

Forty-Second Annual Report

OF THE

RAILROAD COMMISSION

OF THE

STATE OF FLORIDA

FOR THE YEAR 1938



COMMISSIONERS

GEO. G. McWHORTER, <i>Chairman</i> , Commissioner :	}	Aug. 17,
E. J. VANN, Commissioner :	}	1887, to
WILLIAM HIMES, Commissioner :	}	June 13,
JOHN G. WARD, <i>Secretary</i> .	}	1891.

(Commission was abolished by Act of Legislature, 1891; was recreated by Act of Legislature, 1897.)

R. H. M. DAVIDSON, <i>Chairman</i> , Commissioner :	}	July 1,
HENRY E. DAY, Commissioner :	}	1897, to
JOHN M. BRYAN, Commissioner :	}	Jan. 3,
J. L. NEELEY, JR., <i>Secretary</i> .	}	1899.

HENRY E. DAY, <i>Chairman</i> , Commissioner :	}	Jan. 3,
JOHN M. BRYAN, Commissioner :	}	1899, to
JOHN L. MORGAN, Commissioner :	}	Jan. 8,
J. N. NEELEY, <i>Secretary</i> .	}	1901.

HENRY E. DAY, <i>Chairman</i> , Commissioner :	}	Jan. 8,
(Henry E. Day resigned October 1, 1932, and was succeeded by R. Hudson Burr. At the same time John L. Morgan was elected Chairman for the rest of the term.)	}	1901, to
	}	Jan. 6,
	}	1903.

JOHN M. BRYAN, Commissioner :	}	Jan. 8,
JOHN L. MORGAN, Commissioner :	}	1901, to
J. N. NEELEY, <i>Secretary</i> .	}	Jan. 6,
(John L. Neely resigned October 1, 1901, and Royal C. Dunn was elected as his successor.)	}	1903.

JEFFERSON B. BROWN, <i>Chairman</i> , Commissioner :	}	Jan. 6,
R. HUDSON BURR, Commissioner :	}	1903, to
JOHN L. MORGAN, Commissioner :	}	Jan. 3,
ROYAL C. DUNN, <i>Secretary</i> .	}	1905.

JEFFERSON B. BROWN, <i>Chairman</i> , Commissioner :	}	Jan. 3,
R. HUDSON BURR, Commissioner :	}	1905, to
JOHN L. MORGAN, Commissioner :	}	Jan. 8,
ROYAL C. DUNN, <i>Secretary</i> .	}	1907.

R. HUDSON BURR, <i>Chairman</i> , Commissioner :	}	1907, to
JOHN L. MORGAN, Commissioner :	}	Jan. 4,
NEWTON A. BLITCH, Commissioner :	}	1909.
ROYAL C. DUNN, <i>Secretary</i> .	}	Jan. 8,

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	} Jan. 4, 1909, to Jan. 3, 1911.
NEWTON A. BLITCH, Commissioner;	
ROYAL C. DUNN, Commissioner;	
S. E. COBB, <i>Secretary</i> .	

(S. E. Cobb resigned Sept. 5, 1909 and J. Will Yon was elected as his successor.)

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	} Jan. 3, 1911, to Jan. 7, 1913.
NEWTON A. BLITCH, Commissioner;	
ROYAL C. DUNN, Commissioner;	
J. WILL YON, <i>Secretary</i> .	

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	} Jan. 7, 1913, to Jan. 5, 1915.
NEWTON A. BLITCH, Commissioner;	
ROYAL C. DUNN, Commissioner;	
J. WILL YON, <i>Secretary</i> .	

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	} Jan. 5, 1915, to Jan. 2, 1917.
NEWTON A. BLITCH, Commissioner;	
ROYAL C. DUNN, Commissioner;	
J. WILL YON, <i>Secretary</i> .	

(J. Will Yon resigned August 1, 1917, and Lewis G. Thompson was elected as his successor.)

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	} Jan. 2, 1917, to Jan. 7, 1919.
NEWTON A. BLITCH, Commissioner;	
ROYAL C. DUNN, Commissioner;	
LEWIS G. THOMPSON, <i>Secretary</i> .	

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	} Jan. 7, 1919, to Jan. 4, 1921.
NEWTON A. BLITCH, Commissioner;	
ROYAL C. DUNN, Commissioner;	
LEWIS G. THOMPSON, <i>Secretary</i> .	

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	} Jan. 4, 1921, to Jan. 2, 1923.
NEWTON A. BLITCH, Commissioner;	
A. S. WELLS, Commissioner;	
LEWIS G. THOMPSON, <i>Secretary</i> .	

Note—Royal C. Dunn was not a candidate for re-election.

Note—Newton A. Blitch died on October 30, 1921, and was succeeded by Hon. A. D. Campbell, effective November 12, 1922.

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	} Jan. 7, 1923, to Jan. 2, 1925.
A. D. CAMPBELL, Commissioner;	
A. S. WELLS, Commissioner;	
LEWIS G. THOMPSON, <i>Secretary</i> .	

Note—A. D. Campbell died on February 10, 1924, and was succeeded by Hon. E. S. Matthews, effective February 25, 1924.

R. HUDSON BURR, <i>Chairman</i> , Commissioner;	}	Jan. 7,
E. S. MATTHEWS, Commissioner;		1925, to
A. S. WELLS, Commissioner;		Jan. 4,
LEWIS G. THOMPSON, <i>Secretary</i> .		1927.

A. S. WELLS, <i>Chairman</i> , Commissioner;	}	Jan. 4,
E. S. MATTHEWS, Commissioner;		1927, to
*R. L. EATON, Commissioner;		Jan. 8,
LEWIS G. THOMPSON, <i>Secretary</i> .		1929.

*Died February 27, 1927, and was succeeded by Mrs. R. L. Eaton, under appointment by the Governor for the unexpired term.

*A. S. WELLS, <i>Chairman</i> , Commissioner;	}	Jan. 8,
EUGENE S. MATTHEWS, Commissioner;		1929, to
MRS. R. L. EATON, Commissioner;		Jan. 6,
LEWIS G. THOMPSON, <i>Secretary</i> .		1931.

*A. S. Wells died December 16, 1930, and was succeeded by L. D. Reagin, appointed by the Governor to serve for the unexpired term.

EUGENE S. MATTHEWS, <i>Chairman</i> , Commissioner;	}	Jan. 8,
MAMIE EATON-GREENE, Commissioner;		1931, to
*L. D. REAGIN, Commissioner;		Jan. 6,
LEWIS G. THOMPSON, <i>Secretary</i> .		1933.

*L. D. Reagin resigned and Tucker Savage was issued a commission on July 6, 1931, appointing him to serve for the unexpired term.

EUGENE S. MATTHEWS, <i>Chairman</i> , Commissioner;	}	Jan. 3,
MAMIE EATON-GREENE, Commissioner;		1933, to
*W. B. DOUGLASS, Commissioner;		Jan. 8,
LEWIS G. THOMPSON, <i>Secretary</i> .		1935.

*Tucker Savage, appointed to fill unexpired term of L. D. Reagin, was not a candidate for re-election.

W. B. DOUGLASS, <i>Chairman</i> ;	}	Jan. 8,
EUGENE S. MATTHEWS, Commissioner;		1935, to
JERRY W. CARTER, Commissioner;		Jan. 6,
*LEWIS G. THOMPSON, <i>Secretary</i> .		1936.

Commissioner JERRY W. CARTER was elected chairman for the year 1937.

*Lewis G. Thompson resigned July 3, 1936, and George L. Patten was elected as his successor.

EUGENE S. MATTHEWS, <i>Chairman</i> ;	}	Jan. 6,
JERRY W. CARTER, Commissioner;		1936, to
W. B. DOUGLASS, Commissioner;		Dec. 31,
GEO. L. PATTEN, <i>Secretary</i> .		1938.

FLORIDA RAILROAD COMMISSION

Tallahassee, Florida

LETTER OF TRANSMITTAL

March 1, 1939.

To His Excellency,
Fred P. Cone,
Governor of Florida.

In accordance with the provisions of the Statutes, we transmit herewith the report of the Railroad Commission of the State of Florida for the calendar year, 1938.

Respectfully submitted,

EUGENE S. MATTHEWS, Chairman.
JERRY W. CARTER, Commissioner,
W. B. DOUGLASS, Commissioner,

GEORGE L. PATTEN,
Secretary.

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**Report of the
Traffic Department**

ESTIMATED WEIGHTS ON CITRUS

By schedules proposed to be made effective July 23, 1938, (Supplement 152, Item 309-GG, Alternate Agent Miller's ICC No. 1828; Supp. 30, Item 15-F, Miller's ICC No. 1595; Supp. 30, Item 765-A, Kipp's ICC No. 1404; and Supp. 32, Item 765-A, Kipp's ICC No. 1403, rail carriers proposed to increase the estimated weights on citrus fruit from Florida to all interstate destinations as follows:

Oranges, standard box, 12x12x24 inches, from 90 to 100 pounds.

Tangerines, Half "strap," 6x12x24 inches, from 45 to 50 pounds.

Tangerines, Standard box 12x12x24 inches, from 90 to 95 pounds.

While carriers attempted to increase estimated weights on Citrus Fruits from the three major producing areas in the United States are involved in this proceeding, Florida shippers were only interested in the Florida movement. However, the inclusion of all of the producing areas in the original proposal made it necessary that this Commission have a representative at all of the hearings, which were held in Los Angeles, California, Harlengen, Texas, and Orlando, Fla.

This Commission delegated Mr. Fred Pettijohn, its Accountant to attend and participate in all of these hearings, but with particular reference to the Florida situation.

By order of the Interstate Commerce Commission the tariffs above referred to were suspended, as to the items involved, and the matter then went to hearing in Los Angeles, Harlengen, Texas, and Orlando, Fla.

The position of the Florida Railroad Commission in this proceeding is that in increasing estimated weights on citrus fruits consideration should be given to the increased charges produced thereby. In this proceeding there has been no effort on the part of the rail lines to attempt to justify the lawfulness of the charges resulting from the increased weights.

If the proposed increases in weights are allowed, without at the same time taking into consideration the increased charges that will result, the approximate amount of increase in rail transportation charges on oranges from Florida will amount to the sum of \$658,666.27.

Briefs are due in this proceeding by Jan. 24th, after which there will be a proposed report by the Examiner, argument before the Commission and, finally, a decision.

ESTIMATED WEIGHTS ON VEGETABLES

Florida rail carriers published, effective Jan. 1, 1939, new estimated weights on Vegetables from Florida. These increases are on the same general lines as those on Citrus, referred to above, but do not dovetail in all respects.

Immediately upon receipt of the tariffs carrying these increased rates the Florida Railroad Commission and the Growers and Shippers League of Florida prepared and presented to the Interstate Commerce Commission a protest and request for suspension.

Suspension has been ordered and the matter will go to formal hearing before the Interstate Commerce Commission, but the date for hearing has not yet been set.

RE-PUBLICATION OF MOTOR TRUCK RATES

As stated above, the publication of a new Classification and the Cancellation of Florida Motor Freight Classification No. 2 will make it necessary to re-publish the rates as carried in Motor Freight Classification No. 2. This called the attention of the Commissioners to the chaotic condition of the freight tariffs of common carrier Motor Vehicles, and it became imperative that these tariffs be brought forward in one publication, as far as it could be done in order to "simplify, clarify and unify" the publication of these rates in the State of Florida.

By Notice No. 532, hearing of this matter was held in Tampa, Fla., on December 8, 9 and 10. Since that hearing Agent Williams of the Motor Bureau has been busy compiling and getting ready for the printer the proposed codification and simplification of freight rates for Common Carrier truck lines. When the final draft of this proposed tariff was submitted, the Committee appointed by the Commission and individual truck lines registered strong protests with reference to certain of its provisions, the proposed treatment of the St. Johns River Line Company being the principal cause of disagreement.

The Commissioners held an informal conference with the St. Johns River Line on January 14th and with the Committee and representatives of other truck lines on Jan. 27 and 28th, in an effort to straighten out these differences.

On November 15, 1937, the Commission issued, effective December 15, 1937, Motor Freight Tariff No. 2 (F.R.C. No. 2), covering all common carrier motor freight rates in Florida, except the water differential rates of the St. Johns River Line Company. The all-truck rates of the St. Johns River Line Company are included in Motor Freight Tariff No. 2, but because of the differential feature of the water-truck rates of that line it was necessary to allow the St. Johns River Line Company to issue its individual tariff covering such rates.

Motor Freight Tariff No. 2 is governed by National Motor Freight Classification No. 2, South, C. F. Jackson's MF-ICC No. 4, and by Exceptions thereto shown in Exceptions No. 1 to National Motor Freight Classi-

fication, South, W. M. Miller's MF-I.C.C. No. 3, supplements to or successive issues of said publications.

The differential rates of the St. Johns River Line Company are published in St. Johns River Line Company's Local and Joint Freight Tariff No. 16, Fla. R.R.C. No. A-7, supplements to or successive issues of said publication.

This tariff is governed by Southern Classification No. 54, E. H. Dulaney's MF-I.C.C. No. 4, and by Exceptions to said Classification published in Note B Exceptions No. 16 to Southern Classification, and by supplements to and reissues of said publications.

The Commissioners feel that the issuance of Motor Freight Tariff No. 2 and the adoption of National Motor Vehicle Classification is a forward step that has long been needed.

In the past truck lines were allowed to issue individual tariffs practically at will, which resulted in the issuance of "Memorandum Tariffs," "Information Tariffs," and a large number of mimeograph sheets, some of which were without number or date.

This produced an extremely chaotic condition, as no one knew just what the rates were, or where they could be found.

In issuing these new tariffs the Commission Ordered that all individual tariffs of the truck lines in effect on December 14, 1937 be cancelled, and that in future no supplement or tariff could be issued without specific authority of the Commission, and further provided that all tariffs and supplements governing motor vehicle freight rates should be issued by the Commission and not by the individual lines.

It is now possible for individuals, traffic managers and corporations to locate the rates with certainty, and not have to do a lot of guess work, as in the past.

NOTE: The foregoing is re-published from the Annual Report for 1937. There is now before the Commissioners an application of the Common Carrier Truck operators asking that they be allowed to publish the Florida Motor Freight Tariff, subject to supervision by the Commission. No action has yet been taken on this Application.

RATES ON PULPWOOD TO JACKSONVILLE

Under date of November 26, 1937 the Seaboard Air Line Railway applied to the Commission for authority to publish, on Pulpwood from stations on its lines in Florida to Jacksonville, Fla., what is commonly referred to as the "Roanoke-Rapids" scale of rates. These rates are predicated upon a unit of 160 cubic feet, instead of the standard cord

of 128 cubic feet, and are somewhat less than the maximum rates of this Commission, based upon the standard cord.

However, there was coupled with this application to make these rates subject to an expiration date of June 20, 1938. Due to the fact that similar rates had been published to Fernandina, Fla., without an expiration date, the paper mill at Jacksonville raised strenuous objection to the publication of these rates with an expiration date.

On February 26, 1938 this Commission issued Order No. 1241, directing the Seaboard Air Line Railway to publish said rates to Jacksonville without an expiration date. The Seaboard Air Line did not publish the rates as ordered, and the matter has been given the following handling as outlined in Order No. 1242, issued March 10, 1938, which is re-produced below:

- "1. By Order No. 1241, dated February 26, 1938, this Commission directed the Seaboard Air Line Railway, L. R. Powell, Jr., and Henry W. Anderson, its Receivers, to publish the same rates on Pulpwood, C.L., from Seaboard Air Line stations in Florida to Jacksonville, Florida that are now applicable to Fernandina, Florida, and set out in detail in said Order the scale of rates.
- "2. On March 1, 1938, the Seaboard Air Line Railway and its Receivers, through its Assistant Freight Traffic Manager, Mr. L. P. King, filed with this Commission exceptions to Order No. 1241 on the ground that this Commission has no authority to issue said Order No. 1241 because the petition of the Seaboard Air Line Railway and its Receivers specifically sought authority to establish rates on Pulpwood, subject to an expiration date of June 30, 1938, and such petition was the only matter legally before this Commission at that time and that this Commission was limited to the granting or denial of this petition, and that in the entry of said Order the Carrier was not accorded just and fair hearing before this Commission. Based on these contentions the Seaboard Air Line Railway and its Receivers asked this Commission to re-consider its Order No. 1241 and limit its effect to the granting of or denial of its petition, or if this Commission determines to enter into an investigation as to the reasonableness of the rates applicable on Pulpwood, to give lawful notice to the Carriers affected and to assign the matter for formal hearing.
- "3. This Commission has considered the petition for re-consideration of the Seaboard Air Line Railway and its Receivers. While it may be true that the original application of the

Seaboard Air Line Railway dated November 30, 1937, sought authority to publish a reduced scale of rates on Pulpwood, C.L.; from its stations in Florida to Jacksonville, Florida, subject to expiration date of June 30, 1938, and no question of the justness and reasonableness of such rates was considered at the hearing, yet it was definitely brought out that the publication of such rates for Jacksonville subject to expiration date, when the same scale of rates was applicable to Fernandina without being subject to an expiration date, created an unjust discrimination against the mill at Jacksonville. This question of discrimination was brought into the case and the issues were so broadened as to consider this question and it was considered by the Commission, and upon this question of discrimination the Commission based its Order No. 1241.

- "4. The Commission is in sympathy with the Seaboard Air Line Railway and its Receivers in its desire and effort to obtain a fair proportion of the outbound tonnage of the Pulpwood Mills located at both Fernandina and Jacksonville and believes that in consideration of the reduced scale of rates on Pulpwood, C.L., published for application to Fernandina and proposed for publication to Jacksonville, it should receive such fair proportion of the outbound tonnage, provided that the spread between the rail rates and the water rates is such as to permit the rail lines to compete with the steamship service. The record seems to indicate that the rail lines are now getting a proportion of the outbound tonnage from the paper mill at Fernandina. If the Seaboard Air Line Railway so adjusts rail rates as to bring them somewhat in line with the water rates from Jacksonville it is entitled and ought to receive its fair proportion of the outbound tonnage of the Paper Mill in Jacksonville in consideration of the reduced rates this Commission has ordered it to publish from Seaboard Air Line stations in Florida to Jacksonville, Florida.

"Therefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the petition of the Seaboard Air Line Railway and its Receivers dated March 1, 1938, for a re-consideration of Order No. 1241 be and the same is hereby **DENIED**, and Seaboard Air Line Railway, L. R. Powell, Jr., and Henry W. Anderson, Receivers, are hereby required to publish and make effective on the 26th day of March, 1938, on Pulpwood, C.L., minimum 10 cords of 160 cubic feet, from Sea-

board Air Line Railway stations in Florida the following scale of rates, to Jacksonville, Florida:

***PULPWOOD, carload, minimum 10 cords, via Seaboard Air Line Railway direct. In cents per cord of 160 cubic feet.**

Distances	Rate
10 miles and under	88
15 miles and over 10	98
30 miles and over 15	106
40 miles and over 30	124
50 miles and over 40	141
70 miles and over 50	159
90 miles and over 70	177
110 miles and over 90	194
130 miles and over 110	211
150 miles and over 130	228
170 miles and over 150	246
190 miles and over 170	264
210 miles and over 190	281
230 miles and over 210	299
250 miles and over 230	318

"*Applicable to Jacksonville, Florida, (proper) and as proportional rates only when used in connection with rates beyond Jacksonville, Florida, lawfully on file with the Interstate Commerce Commission. Not subject to Rules 19 or 2 of our Freight Rules.

"It is further ORDERED that this Order is entered without prejudice to the Seaboard Air Line Railway, L. R. Powell, Jr., and Henry W. Anderson, Receivers, to apply to this Commission after June 30, 1938 for an increase in the above scale of rates and show that the application of the above scale of rates on Pulpwood, C.L., from Seaboard Air Line Railway stations in Florida to Jacksonville, Florida has not resulted in the receipt by Seaboard Air Line Railway of satisfactory tonnage of outbound freight from the Paper Mill located at Jacksonville, Florida.

"DONE AND ORDERED by the Railroad Commissioners of the State of Florida, in session at their office in the City of Tallahassee, Florida this 10th day of March, 1938.

COMMISSIONER DOUGLASS DISSENTS.

"He is of the opinion that the application of the Seaboard Air Line Ry., with an expiration date of June 30, 1938 should be approved, but is not in agreement with this Order."

SOUTHERN COMMODITIES RATE CASE

Complainants in this case are the eight Southeastern States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee.

The complaint in this proceeding, as amended, alleges that the rates on numerous commodities listed therein from points in Southern territory to points in Official territory are unjust and unreasonable, in violation of Section 1 of the Interstate Commerce Act and unjustly discriminatory and unduly prejudicial and preferential, in violation of Sections 2 and 3 of the Act. It was also alleged that the rates assailed are not in conformity with the principles announced in Section 15a, paragraph 2 of the Act, as amended, and that they are in violation of the Anti-Trust laws of the United States.

Under date of March 28, 1938 the Florida Railroad Commission formally intervened in the proceeding, and prayed that it be treated as a party thereto, with the right to have notice of and appear at the taking of testimony, produce and cross examine witnesses, and to be heard in person or by Counsel upon brief, and at the oral argument, if oral argument is granted.

Hearings began in Birmingham, Ala., on April 12, 1938, and lasted the better part of a week. At the Birmingham hearing, which was before Interstate Commerce Commissioner Lee and Examiners Mattingly and Corcoran, the Southern States, parties to the complaint, Southern Railroad Commissions, traffic experts of corporations and individuals were given a full hearing. Many of the Southern representatives presented exhibits and oral testimony in support of the complaint. The Florida Railroad Commission was represented at Birmingham by its Rate Expert, Mr. J. H. Tench.

The Birmingham hearing was adjourned, and it was later announced by the Interstate Commerce Commission would be resumed at Buffalo, N. Y. on July 12, 1938 for the purpose of hearing the interested rail carriers. However, just before the end of the Birmingham hearing it was arranged to allow Florida to present at Buffalo further exhibits and testimony relative to the resources of this State. This testimony was presented as follows:

State Conservation Commissioner, through Mr. Herman Gunter, State Geologist as to mineral resources.

Commissioner of Agriculture, through Mr. Frank H. Scruggs, Marketing News Specialist, as to the horticultural and agricultural resources of the State.

Rate Expert Tench, of the Commission, presented, through the courtesy of and with information furnished by Conservation Commissioner

Dowling presented exhibits and testimony as to the sea food and shell fish resources of the State.

The Railroad Commission was represented at Buffalo by Hon. Jerry W. Carter, Chairman, Hon. T. T. Turnbull, and J. H. Tench, Rate Expert.

The State was also represented at Buffalo by Mr. Louis E. Staley, whose services in presenting testimony as to the Forest Products resources of the State were made available through the co-operation of Hon. Harry Lee Baker, of the Florida Forest and Park Service.

This Commission is grateful for the services rendered and the co-operation of Hon. Nathan Mayo, Secretary of Agriculture, Hon. R. L. Dowling, Conservation Commissioner, Hon. Harry Lee Baker, of the Florida Forest and Park Service. The help of these gentlemen made it possible for us to present a much better case in Buffalo than would otherwise have been possible.

The case has been briefed and argued and is now in the hands of the Interstate Commerce Commission for decision. If a favorable decision is rendered it will be of inestimable benefit to Florida and the South, as such action will be an entering wedge in breaking down a rate barrier from which we have always suffered.

MONON REORGANIZATION

Examiner Brinkley, of the Interstate Commerce Commission, in Finance Docket No. 10294, recommended to that Body that the Chicago, Indianapolis & Louisville Railway Company, hereafter referred to as the "Monon System," be consolidated with the Baltimore & Ohio system. At first blush this does not appear to be a matter of much importance. It is, however, of vital importance to the entire South.

The Monon extends from Louisville, Kentucky, on the south to Chicago, Ill., and Michigan City, Indiana, on the north. It also has a direct line from Indianapolis through Monon, Indiana, to Chicago, and a branch line to French Lick, Indiana. Its total mileage is 647 miles. The Southern Railway Company and the Louisville & Nashville Railroad Company are joint and equal owners of 93.4 per cent of the common stock and 77.4 per cent of the preferred stock of the Monon. This stock interest was acquired on or about July 1, 1902, since which time the Southern and the Louisville & Nashville have continuously exercised and are now exercising such joint control.

At the hearing in the Southern Commodity rate case, referred to above, we were confronted with the fact that the East and West trunk lines in official territory were the controlling factors of rate policies in

that territory, and to a large extent the controlling factors in rate policies on traffic from points in the South to points in Official territory. The plain fact is that while the Southern roads, such as the Southern Railway, the Seaboard Air Line and the Atlantic Coast Line and the Louisville & Nashville R. R., (which is a part of the Coast Line system), are in sympathy with lower rates, in some instances, on commodities from the South into Official territory, the East and West trunk line carriers in Official territory appear to be of a different mind.

Southern carriers have, in some instances, through their control of the Monon, published lower commodity rates from the South into a small part of Official territory. If the proposal of Examiner Brinkley is adopted by the Interstate Commission the Monon will be allocated to the Baltimore & Ohio, then the last sympathetic link between the South and the North will be destroyed.

The Southern Railway, the Atlantic Coast Line and the Seaboard Air Line, also the Railroad Commissions and industrial traffic managers of all the Southern States are making a concerted fight on the proposal.

CRIPPLED CHILDREN OVER GANDY BRIDGE

By Order No. 1240, issued February, 1928 the Commission promulgated the following Rule:

"Upon official notice to the Gandy Bridge Company by an American Legion Post and/or a Kiwanis Club and/or other recognized charitable organizations of Tampa, Florida, that accredited representative of such organizations will on a certain date transport indigent or crippled children from Tampa to the Hospital at St. Petersburg, Florida, for treatment at such hospital, free passes shall be issued by the Gandy Bridge Company, authorizing the free passage over the Gandy Bridge of the automobile and driver transporting such children between Tampa and St. Petersburg and return."

REDUCTION OF RAIL COACH FARES

In response to petitions filed with the Commission by C. B. Rhodes, Agent Southern Passenger Association and Mr. J. D. Rahner, General Passenger Agent of the Florida East Coast Railway, the Commission, by Order No. 1284, authorized the following rail lines to reduce their fares for traveling in coaches to approximately 1½c per mile:

Atlantic Coast Line Railroad Company,
Florida East Coast Railway Company,

Fort Myers Southern R. R. Company,
Jacksonville, Gainesville & Gulf Railway,
Louisville & Nashville Railroad Company,
Seaboard Air Line Railway Company,
Southern Railway Company,
Georgia, Southern & Florida Railway Company,
Tampa Southern Railway Company,
Tavares & Gulf Railroad Company.

The reduced fares to become effective on January 15, 1939.

This is a reduction of approximately 25%. The term approximately is used for the reason that in publishing passenger fares sufficient is added where necessary, to make the fare end in (0) or (5).

REDUCTION OF BUS FARES

Shortly after this Order was issued to reduce coach fares by railroad the following Bus lines requested authority to reduce their passenger fares by approximately 20%, to meet the rail reductions in coach fares:

Florida Motor Lines,
Union Bus Company,
Southeastern Greyhound Lines,
Tamiami Trail Tours, Inc.

These applications were approved, effective January 15, 1939.

The Glades "K" Motor Lines asked for a reduction of 10% in passenger fares, which was granted.

GENERAL APPLICATIONS

The Items named below were disposed of by Traffic Order No. 71, dated July 30, 1938, as follows:

Florida Intrastate Application No. 172 of J. G. Kerr, Agent, for all rail lines in Florida, seeking authority to cancel all existing carload commodity rates on Salt and Salt Compounds, and to apply in lieu thereof rates made on basis of ratings in Note B of Exceptions to Southern Classification. Application approved.

Application of the St. Johns River Line Company for authority to publish on mixed Groceries, carload, minimum weight 10,000 pounds, (Dock Delivery), from Jacksonville, Fla. to Palatka, Fla., rate of 10c per hundred pounds. Application approved.

In the application of Eppenger & Russell for the publication of a Rule that will make it incumbent upon rail carriers to furnish cars of

the desired length for the handling of extra length poles and piling, or to require them to place two short cars and charge actual weight for the load, the same as if the short cars had not been furnished, the Commissioners made the following Order:

"To require the rail carriers to comply with this application would place an undue burden upon them. Shipments of these extra length poles or piling are few and far between, and because of the further fact that this type of shipments requires the use of gondola cars, the Commissioners are of the opinion that this application has not been justified, and it is therefore NOT APPROVED.

RATES ON FERTILIZER MATERIALS

Florida Intrastate Application No. 184, filed by J. G. Kerr, on behalf of all Florida rail carriers, and Application No. 4, file by the St. Johns River Line Company, sought authority to cancel the present rating of 75% of class M on Fertilizer Materials, and to apply in lieu thereof the standard Fertilizer scale. The Commissioners denied these applications in the following language:

"It is FOUND that the present rating of 75% of class M on Fertilizer Materials between points in Florida has been in effect for over 25 years and that the present interior Fertilizer business of the State has been built up around it. No good reason has been shown for the disruption of a rate situation in effect for so long a time.

RATES ON PEAT, MUCK AND HUMUS

In August, 1938, Mr. C. L. Anderson, of Tampa, Florida, filed a formal complaint on behalf of the Florida Material Company alleging that the present rates on Peat, Muck and Humus, in carloads between points in Florida were discriminatory, preferential of his competitors and prejudicial to his business.

Testimony at the hearing showed that the Seaboard Air Line had in effect from Zellwood, Florida to points in Florida, rates on Peat, Muck and Humus, C. L. that were on a lower relative basis than rates on the same commodities than the rates of the Atlantic Coast Line Railroad from Brandon, Fla., the shipping point of the Florida Material Company; that because of this difference in rates the Florida Material Company was not able to meet the competition of the shipper at Zellwood.

Mr. Anderson testified that the principal competition against Peat Muck and Humus was Dolomite. Dolomite moves on rates based on a

carload minimum weight of 30 tons. Admitting that Dolomite loaded heavier and that its value was slightly less than Peat, Muck and Humus, he asked that he be given a rate on Peat, Muck and Humus, based on a carload minimum weight of 25 tons, that would yield the same amount of per car revenue per car of 25 tons as the rate on Dolomite would yield on a carload of 30 tons.

A scale of rates reflecting this view was constructed by the Commission, which was made effective by Order No. 1282, issued November 26, 1938.

Rail carriers were seemingly perturbed by this Order, and just after it was issued Mr. R. G. Hodgkin, A.F.T.M. of the Atlantic Coast Line Railroad wired the Commission asking that the effective date of the Order be postponed and that a re-hearing be granted.

The Commissioners felt that the Florida Material Company was entitled to immediate relief and declined to postpone the effective date of the Order. They did, however, grant a re-hearing, and the matter is now set for re-hearing in Jacksonville on February 13, 1939.

RATES ON SUGAR

Traffic Order No. 44: J. G. Kerr, on behalf of Florida Rail carriers by his Application No. 188, sought authority to establish revised minimum truck competitive rates on Sugar, C.L., minimum weight 40,000 pounds on basis of 15% over the rates in effect on April 17, 1938. This application was denied.

The cases and items presented in this editorial are not to be considered as all of the cases and items handled by the Commission in the course of a year. They have been selected as indicative of the general work of the Commission in rate and traffic matters, and are just a few of the many similar items and cases handled by the Commission in the routine of its yearly business.

General Orders



ORDER NO. 1240,

FILE NO. 1036.

**BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN THE MATTER OF TRANSPORTATION OF CRIPPLED CHILDREN
OVER THE GANDY BRIDGE.**

The matter of the transportation over the Gandy Bridge of crippled and under-privileged children by representatives of the American Legion Post, Kiwanis Club and other charitable organizations of Tampa, Florida, between Tampa and the hospital in St. Petersburg, Florida, coming up for consideration before this Commission, and it appearing that the Gandy Bridge Company has in the past issued passes for the transportation of such children when accompanied by a nurse or hospital superintendent officially connected with said hospital, and it further appearing that such children are often transported to the hospital by representatives of the American Legion Post and the Kiwanis Club, and that passes should be issued by the Gandy Bridge Company for such transportation, and that the statutes of the State of Florida authorize said bridge company to grant free passes under such conditions, and authorizes this Commission to make reasonable rules and regulations governing such transportation:

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the following is a reasonable rule and regulation governing the transportation of indigent and crippled children over the toll bridge known as the Gandy Bridge, and the said Gandy Bridge Company is hereby ordered and directed to promulgate and observe said rule:

Upon official notice to the Gandy Bridge Company by the American Legion Post and/or the Kiwanis Club and/or other recognized charitable organizations that accredited representatives of such organizations will on a certain date transport indigent or crippled children from Tampa to the hospital at St. Petersburg, Florida, for treatment at such hospital free passes shall be issued by the Gandy Bridge Company authorizing the free passage over the Gandy Bridge of the automobile and driver transporting such children between Tampa and St. Petersburg and return.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the city of Tallahassee, Florida, this 25th day of February, 1938.

ORDER NO. 1241,

DOCKET NO. 1085.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF GENERAL FREIGHT AGENT C. L.
SENER, OF THE SEABOARD AIR LINE RAILWAY DATED NO-
VEMBER 30, 1937 FOR AUTHORITY TO PUBLISH A REDUCED
SCALE OF RATES ON PULPWOOD, C.L., FROM ITS STATIONS
IN FLORIDA TO JACKSONVILLE, FLORIDA.

1. Pursuant to Notice dated December 28, 1937, this matter came on for formal hearing before the Railroad Commission of the State of Florida, in session at the Seminole Hotel in Jacksonville, Fla., on January 17, 1938, and then and there appeared the following:

H. H. Belton, S.A.L. Ry.; Charles P. Reynolds, for Florida Rail Carriers generally; R. G. Hodgkin, A.F.T.M., A.C.L. Railroad; F. C. Hillyer, for Jacksonville Traffic Bureau; T. C. Maurer, for National Container Corporation and J. A. Bliss, for St. Johns River Line Company.

2. It appears from the evidence offered in this case and from the copy of the Application submitted for approval that there is now in effect from Seaboard Air Line Railway stations in Florida to Fernandina, Florida the same scale of rates proposed to be applied from Florida stations on the Seaboard Air Line Railway to Jacksonville, Florida. This scale of rates to Fernandina does not carry an expiration date, but the proposed rates applicable to Jacksonville, Fla. are proposed to be made subject to an expiration date of June 30, 1938, unless sooner canceled, changed or extended.

3. The Statutes of the State of Florida prohibit unjust discrimination in the rates or charges of any Railroad, Railroad Company, or other Common Carrier, and provide, further, however, that Railroads, Railroad Companies or other Common Carriers subject to the provisions of the Act may give reduced rates for the transportation of Freight wholly within the State of Florida for the encouragement of manufacturing industries within the State of Florida, provided that such reduced rates shall be given without discrimination.

4. From evidence introduced in this proceeding, the inference is strong that prior to the erection of the Pulpwood plant in Jacksonville by the National Container Corporation, and even prior to the purchase of the site of such plant, the Seaboard Air Line Railway had agreed to publish this scale of rates on Pulpwood to Jacksonville, without an expiration date being mentioned or considered.

5. The Commission has given consideration to the evidence in this proceeding and is of the opinion:

(a) That the publication of a scale of rates on Pulpwood, C.L., from stations on the Seaboard Air Line Railway in Florida to Fernandina, Florida, and the failure of that Road to publish a similar scale of rates from Seaboard Air Line stations in Florida to Jacksonville, Fla., under the same terms and conditions, constitute an unjust discrimination.

(b) That an Order should be entered directing the Seaboard Air Line Railway and its Receivers to publish the same rates on Pulpwood, C.L., from Seaboard Air Line stations in Florida to Jacksonville, Florida that are now applicable to Fernandina, Florida.

Wherefore, it is CONSIDERED, ORDERED and ADJUDGED by the Railroad Commissioners of the State of Florida that the Seaboard Air Line Railway, L. R. Powell, Jr., and Henry W. Anderson, Receivers, are hereby required to publish and make effective on one day's notice on PULPWOOD, C. L., minimum 10 cords from Seaboard Air Line Railway stations in Florida to Jacksonville, Florida, the following scale of rates:

*PULPWOOD, carload, minimum 10 cords, via Seaboard Air Line Railway, direct.

In cents per cord of 160 cubic feet.

Distances	Rate	Distances	Rate
10 miles and under	88	130 miles and over 110.....	211
15 miles and over 10.....	98	150 miles and over 130.....	228
30 miles and over 15.....	106	170 miles and over 150.....	246
40 miles and over 30.....	124	190 miles and over 170.....	264
50 miles and over 40.....	141	210 miles and over 190.....	281
70 miles and over 50.....	159	230 miles and over 210.....	299
90 miles and over 70.....	177	250 miles and over 230.....	318
110 miles and over 90.....	194		

*Applicable to Jacksonville, Florida (proper) and as proportional rates only when used in connection with rates beyond Jacksonville, Florida, lawfully on file with the Interstate Commerce Commission. Not subject to Rule 19 of our Freight Rules.

It is further ORDERED that the application of the Seaboard Air Line Railway for authority to publish the above rates subject to the expiration date of June 30, 1938, be, and the same is hereby denied.

DONE AND ORDERED by the Railroad Commissioners of the State of Florida, in session at their office in the City of Tallahassee, Florida, this 26th day of February, 1938.

ORDER NO. 1242,

DOCKET NO. 1085.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF GENERAL FREIGHT AGENT C. L. SENTER, OF THE SEABOARD AIR LINE RAILWAY DATED NOVEMBER 30, 1937 FOR AUTHORITY TO PUBLISH A REDUCED SCALE OF RATES ON PULPWOOD, C.L., FROM ITS STATIONS IN FLORIDA TO JACKSONVILLE, FLORIDA.

1. By Order No. 1241, dated February 26, 1938, this Commission directed the Seaboard Air Line Railway, L. R. Powell, Jr., and Henry W. Anderson, its Receivers, to publish the same rates on Pulpwood, C.L., from Seaboard Air Line stations in Florida to Jacksonville, Florida that are now applicable to Fernandina, Florida, and set out in detail in said Order the scale of rates.

2. On March 1, 1938, the Seaboard Air Line Railway and its Receivers, through its Assistant Freight Traffic Manager, Mr. L. P. King, filed with this Commission exceptions to Order No. 1241 on the ground that this Commission has no authority to issue said Order No. 1241 because the petition of the Seaboard Air Line Railway and its Receivers specifically sought authority to establish rates on Pulpwood, subject to an expiration date of June 30, 1938, and such petition was the only matter legally before this Commission at that time and that this Commission was limited to the granting or denial of this petition, and that in the entry of said Order the Carrier was not accorded just and fair hearing before this Commission. Based on these contentions the Seaboard Air Line Railway and its Receivers asked this Commission to reconsider its Order No. 1241 and limit its effect to the granting or denial of its petition, or if this Commission determines to enter into an investigation as to the reasonableness of the rates applicable on Pulpwood, to give lawful notice to the Carriers affected and to assign the matter for formal hearing.

3. This Commission has considered the petition for re-consideration of the Seaboard Air Line Railway and its Receivers. While it may be true that the original application of the Seaboard Air Line Railway dated November 30, 1937, sought authority to publish a reduced scale of rates on Pulpwood, C.L., from its stations in Florida to Jacksonville, Florida, subject to expiration date of June 30, 1938, and no question of the justness and reasonableness of such rates was considered at the hearing, yet it was definitely brought out that the publication of such rates for Jacksonville subject to expiration date, when the same scale of rates was applicable to Fernandina without being subject to an expiration date, created an unjust discrimination against the mill at Jacksonville. This question of discrimination was brought into the case and

the issues were so broadened as to consider this question and it was considered by the Commission, and upon this question of discrimination the Commission based its Order No. 1241.

4. The Commission is in sympathy with the Seaboard Air Line Railway and its Receivers in its desire and effort to obtain a fair proportion of the outbound tonnage of the Pulpwood Mills located at both Fernandina and Jacksonville and believes that in consideration of the reduced scale of rates on Pulpwood, C.L., published for application to Fernandina and proposed for publication to Jacksonville, it should receive such fair proportion of the outbound tonnage, provided that the spread between the rail rates and the water rates is such as to permit the rail lines to compete with the steamship service. The record seems to indicate that the rail lines are now getting a proportion of the outbound tonnage from the paper mill at Fernandina. If the Seaboard Air Line Railway so adjusts rail rates as to bring them somewhat in line with the water rates from Jacksonville it is entitled and ought to receive its fair proportion of the outbound tonnage of the Paper Mill in Jacksonville in consideration of the reduced rates this Commission has ordered it to publish from Seaboard Air Line stations in Florida to Jacksonville, Florida.

Therefore it is **CONSIDERED, ORDERED** and **ADJUDGED** by the Railroad Commission of the State of Florida that the petition of the Seaboard Air Line Railway and its Receivers dated March 1, 1938, for a re-consideration of Order No. 1241 be and the same is hereby **DENIED**, and Seaboard Air Line Railway, L. R. Powell, Jr., and Henry W. Anderson, Receivers, are hereby required to publish and make effective on the 26th day of March, 1938, on Pulpwood, C.L., minimum 10 cords of 160 cubic feet, from Seaboard Air Line Railway stations in Florida the following scale of rates, to Jacksonville, Florida:

*PULPWOOD, carload, minimum 10 cords, via Seaboard Air Line Railway, direct.

In cents per cord of 160 cubic feet.

Distances	Rate	Distances	Rate
10 miles and under	88	130 miles and over 110.....	211
15 miles and over 10.....	98	150 miles and over 130.....	228
30 miles and over 15.....	106	170 miles and over 150.....	246
40 miles and over 30.....	124	190 miles and over 170.....	264
50 miles and over 40.....	141	210 miles and over 190.....	281
70 miles and over 50.....	159	230 miles and over 210.....	299
90 miles and over 70.....	177	250 miles and over 230.....	318
110 miles and over 90.....	194		

*Applicable to Jacksonville, Florida, (proper) and as proportional rates only when used in connection with rates beyond Jacksonville,

Florida, lawfully on file with the Interstate Commerce Commission. Not subject to Rules 19 or 2 of our Freight Rules.

It is further ORDERED that this Order is entered without prejudice to the Seaboard Air Line Railway, L. R. Powell, Jr., and Henry W. Anderson, Receivers, to apply to this Commission after June 30, 1938 for an increase in the above scale of rates and show that the application of the above scale of rates on Pulpwood, C. L., from Seaboard Air Line Railway stations in Florida to Jacksonville, Florida has not resulted in the receipt by Seaboard Air Line Railway of satisfactory tonnage of out-bound freight from the Paper Mill located at Jacksonville, Florida.

DONE AND ORDERED by the Railroad Commissioners of the State of Florida, in session at their office in the City of Tallahassee, Florida this 10th day of March, 1938.

COMMISSIONER DOUGLASS DISSENTS.

He is of the opinion that the application of the Seaboard Air Line Ry. with an expiration date of June 30, 1938 should be approved, but is not in agreement with this Order.

ORDER NO. 1243,

DOCKET NO. 1217

**BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: INTRASTATE RATES TO BE CHARGED BY TELEPHONE
COMPANIES FOR LONG DISTANCE TELEPHONE SERVICE IN
THE STATE OF FLORIDA.**

WHEREAS, representatives of the Peninsular Telephone Company, Florida Telephone Corporation, Inter County Telephone & Telegraph Company, Southeastern Telephone Company, Southern Bell Telephone & Telegraph Company and representatives of this Commission have had conferences in the matter of intrastate rates for long distance telephone services within the State of Florida; and the said Companies have agreed to and accepted an adjustment of their intrastate rates for long distance service within the State of Florida herein more particularly set forth, which adjustment in rates is satisfactory and approved by this Commission.

Now, therefore, upon consideration of the premises, it is hereby ORDERED AND ADJUDGED that the Telephone Companies in Florida are ordered, authorized and directed to put into effect as of April 1, 1938, the attached schedule of intrastate rates and charges for long distance or toll telephone service within the State of Florida, which schedule is a part of this order.

It is further ORDERED that said Companies file with this Commission, within thirty days from the date of this order, a Revised Florida Toll Tariff in accordance with the provisions of this order.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 10th day of March, 1938.

STATE OF FLORIDA

SCHEDULE OF INTRASTATE LONG DISTANCE TOLL RATES

Miles	Station-to-Station		Person-to-Person		Report Charges
	Day	Night & Sun.	Day	Night & Sun.	
0- 12	.10	.10	.15	.15	.10
13- 18	.15	.15	.25	.25	.10
19- 24	.20	.20	.30	.30	.10
25- 30	.25	.25	.35	.35	.10
31- 36	.30	.30	.40	.40	.10
37- 42	.35	.35	.50	.50	.10
43- 48	.40	.35	.55	.50	.10
49- 56	.45	.35	.65	.55	.15
57- 64	.50	.35	.70	.55	.15
65- 72	.55	.35	.75	.60	.15
73- 80	.60	.35	.80	.60	.15
81- 88	.65	.35	.85	.60	.20
89- 96	.70	.35	.90	.65	.20
97-112	.75	.40	.95	.70	.20
113-120	.80	.40	1.00	.70	.20
121-128	.85	.45	1.05	.75	.20
129-136	.90	.45	1.10	.75	.20
137-144	.95	.50	1.15	.85	.20
145-152	1.00	.50	1.25	.85	.20
153-160	1.00	.55	1.30	.85	.20
161-176	1.10	.55	1.35	.90	.25
177-210	1.15	.60	1.45	.95	.25
211-246	1.20	.65	1.50	1.05	.25
247-284	1.25	.70	1.60	1.10	.25
285-322	1.30	.80	1.70	1.20	.25
323-338	1.35	.80	1.75	1.20	.25
339-354	1.40	.85	1.80	1.25	.25
355-372	1.45	.90	1.85	1.30	.30
373-390	1.50	.90	1.90	1.30	.30
391-408	1.55	.95	2.00	1.40	.30
409-426	1.60	.95	2.05	1.40	.30

427-444	1.65	1.00	2.10	1.45	.30
445-462	1.70	1.05	2.20	1.55	.35
463-498	1.80	1.05	2.30	1.55	.35
499-534	1.90	1.10	2.40	1.60	.35
535-570	2.00	1.15	2.60	1.75	.35
571-606	2.10	1.25	2.75	1.90	.40

Night rates apply daily between 7:00 P.M. and 4:30 A.M. Sunday rates apply on Sunday between 4:30 A.M. and 7:00 P.M.

Station-to-Station overtime rates apply on person-to-person business after six minutes of conversation.

ORDER NO. 1244,

DOCKET NO. 1309.

**BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
CITY OF MIAMI, FLORIDA,**

Complainant,

vs. 

**FLORIDA EAST COAST RAILWAY,
(W. R. Keenan, Jr., and Scott M. Loftin,
Receivers) and Seaboard Air Line Rail-
way Company, (L. R. Powell, Jr., and
Henry W. Anderson, Receivers),**

Defendants.

**IN RE: JOINT PASSENGER TERMINAL OR UNION DEPOT, MIAMI,
FLORIDA.**

ORDER

This cause coming on for hearing before the Railroad Commission of the State of Florida on Motion of Florida East Coast Railway, W. R. Keenan, Jr., and Scott M. Loftin, Receivers, Defendants in above styled cause, to dismiss the complaint of the City of Miami on the ground of lack of jurisdiction of this Commission to hear and determine this matter at this time, and the said motion having been argued by counsel for the parties herein and the Commission being fully advised in the premises:

It is, therefore, **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the Motion of Florida East Coast Railway Company, and its Receivers, to dismiss the complaint of the City of Miami filed in this cause be and the same is hereby **DENIED.**

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 17th day of March, 1938.

**ORDER NO. 1245,
DOCKET NO. 1317.**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF SEABOARD AIR LINE RAILWAY, L. R.
POWELL, JR., AND HENRY W. ANDERSON, RECEIVERS, TO DIS-
CONTINUE THE OPERATION OF MOTOR RAIL-BUS TRAINS
NOS. 15 AND 16 BETWEEN JACKSONVILLE AND TAMPA,
FLORIDA.

1. This matter coming on for consideration before the Railroad Commission of the State of Florida under application of the Seaboard Air Line Railway Company to discontinue the operation of motor rail-bus trains Nos. 15 and 16 between Jacksonville and Tampa, and it appearing during the month of November 1937 the combined earnings of trains 15 and 16 from all sources were \$3,261.00, of which amount the passenger earnings were \$2,793.00. That the actual out-of-pocket cost to operate this service was \$4,639.00, which shows an actual loss of approximately \$1,600.00. That for the year ended November 30, 1937 there was a loss of \$11,927.00 in the operation of these trains. In view of the fact that the whole Seaboard Air Line system is operated at a loss, and the net operating revenue has greatly declined, and further in view of the fact that there is ample service by steam railroad between Jacksonville and Tampa, Florida, the Commission is of opinion that the Seaboard Air Line Railway should be authorized to discontinue these two trains.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the Seaboard Air Line Railway, L. R. Powell, Jr., and Henry W. Anderson, Receivers, be and it is hereby authorized to discontinue the operation of motor rail-bus trains Nos. 15 and 16 between Jacksonville and Tampa, Florida.

It is further **ORDERED** that this order be and become effective March 1, 1938.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 11th day of February, 1938.

**ORDER NO. 1246,
DOCKET NO. 1217.**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: INTRASTATE RATES TO BE CHARGED BY TELEPHONE
COMPANIES FOR LONG DISTANCE TELEPHONE SERVICE IN
THE STATE OF FLORIDA.

WHEREAS on the 10th day of March 1938, under the above docket number, the Railroad Commission of the State of Florida did enter its

Order No. 1243, effective April 1, 1938, prescribing a schedule of intrastate rates and charges for long distance or toll telephone service within the State of Florida, which schedule is attached to and forms a part of said Order; and

WHEREAS upon consideration it appears that said Order should be clarified in certain respects;

NOW THEREFORE, upon consideration of the premises, it is hereby ORDERED AND ADJUDGED that nothing in said Order or the schedule thereto attached, contained shall in any way alter, change, modify or affect, any special order, rule, regulation or differential, governing, pertaining to or affecting the furnishing of intrastate toll or long distance telephone service within the State of Florida, except as therein specifically stated.

It is further ORDERED that said telephone companies in filing with this Commission within thirty days from the date of said Order No. 1243 a Revised Florida Toll Tariff shall include within said tariff any and all special orders, rules, regulations or differentials governing, pertaining to or affecting the furnishing of intrastate toll or long distance telephone service within the State of Florida not specifically modified or changed by the provisions of Order No. 1243.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 21st day of March, 1938.

ORDER NO. 1247,

DOCKET NO. 1085.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF THE G.S.&F. RAILWAY FOR AUTHORITY TO PUBLISH COMMODITY RATES ON PULPWOOD, C.L., FROM STATIONS ON THAT LINE IN FLORIDA TO JACKSONVILLE, FLORIDA.

Pursuant to Notice dated December 28, 1937, this matter came on for formal hearing before the Railroad Commission of the State of Florida, in session at the Seminole Hotel in Jacksonville, Fla., on January, 17, 1938, and then and there appeared the following:

H. H. Belton, S. A. L. Ry.; Chas. P. Reynolds, for Florida Rail Carriers generally; R. G. Hodgkin, A.F.T.M., Atlantic Coast Line Railroad; F. C. Hillyer, for Jacksonville Traffic Bureau; T. C. Maurer, for National Container Corporation, and J. A. Bliss, for St. Johns River Line Co.

All who desired to be heard were fully heard, under oath.

The application of the Georgia, Southern & Florida Railway requests authority for the establishment of commodity rates on Pulpwood, C.L., from stations on that line in the State of Florida to Jacksonville, Florida, based upon the so-called "Roanoke Rapids Scale."

The application also requested authority to publish these rates with an expiration date of June 30, 1938.

At the hearing no objection was offered to the rates themselves, but there was strenuous objection to the publication of them in connection with an expiration date.

After considering all of the evidence submitted, and being fully advised in the premises, the Commissioners do FIND and ORDER as follows:

It is FOUND that there is no real reason for the publication of an expiration date in connection with these rates.

It is further FOUND and it is ORDERED that the Georgia, Southern & Florida Railway be, and it is hereby authorized to publish, on one day's notice, the rates applied for, WITHOUT an expiration date, said rates to become effective when proper tariff has been filed with this Commission.

DONE AND ORDERED by the Railroad Commissioners of the State of Florida, in session at their office in the City of Tallahassee, Florida, this 5th day of May, 1938.

ORDER NO. 1248,

DOCKET NO. 1308, Rail Rates.

DOCKET NO. 1321, Express Rates.

DOCKET NO. 1319, All-Truck Rates.

DOCKET NO. 1322, Water and Water-Truck Rates.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN THE MATTER OF THE APPLICATIONS OF RAIL, EXPRESS,
TRUCK AND WATER COMMON CARRIERS FOR AUTHORITY TO
INCREASE INTRASTATE FREIGHT RATES AND CHARGES ON
FLORIDA INTRASTATE TRAFFIC.

Pursuant to Notice No. 731, dated April 25, 1938, the above matters came on for hearing before the Railroad Commissioners of the State of Florida at the Mayflower Hotel, in the City of Jacksonville, Fla., on May 10, 1938, and then and there appeared the following:

Mr. Frank W. Gwathmey, for all rail carriers; Mr. H. H. Belton, S.A.L. Ry.; Mr. D. B. Green, F.E.C. Ry.; Mr. Edgar Watkins, Florida

Motor Freight Bureau; Mr. R. G. Hodgkin, A.C.L. R.R.; Mr. B. M. Brunson, F.E.C. Ry.; Mr. J. R. Hunter, Railway Express Agency.

Mr. John A. O'Rourke, Miami Rate Division; Mr. T. M. True, Sou. Cypress Mfrs. Ass'n; Mr. R. W. Bennett, Standard Container Mfrs. Ass'n; Mr. W. C. Hutchison, Chase & Co.; Mr. J. B. Johnson, Florida Portland Cement Co.; Mr. Ernest A. Green, Green Bros. Transfer; Mr. H. H. Lowry, Elliott-Young-Consolidated; Mr. J. E. Fogarty, Fogarty Bros. Transfer; Mr. J. H. Donnel, Tampa Traffic Association; Mr. T. C. Maurer, Jacksonville Traffic Bureau; Mr. Thos. D. Guthrie, Growers & Shippers League of Florida; Mr. F. E. Harrison, Jr., State Road Department; Mr. J. A. Bliss, St. Johns River Line Company; Mr. Sidney Allen, Central Truck Lines; Mr. F. C. Hillyer, Jacksonville Traffic Bureau, and others; Mr. Bayliss W. Haynes and Mr. F. H. Lohse, Wilson & Toomer Fertilizer Co.; Mr. Fred F. Coffee, Armour Fertilizer Works; Mr. Walter Klee, Nitrate Agencies, Inc.; Mr. R. O. Ferrell, Va. Carolina Chem. Corp. and Mr. F. D. Hopkins, International Agricultural Corporation.

All parties who desired to be heard were fully heard, under oath.

1. By petition dated March 12, 1938, all railroads operating in the State of Florida, and by petition dated March 28, 1938, all Common Carrier Truck Lines operating in the State of Florida, and by petition dated April 20, 1938, Inland Water Carriers and Motor Carriers joining in joint water and truck rates between points in the State of Florida, applied for authority to increase intrastate freight rates and charges to the same extent and in the same amounts authorized by the Interstate Commerce Commission in Ex Parte No. 123, (226, ICC 41.)

By petition dated April 4, 1938, the Railway Express Agency sought authority to make similar increases in its Miscellaneous Commodity Tariff, Fla. R. C. No. 81, (Freight Rate Classes 1 to 4 inclusive).

By Notice No. 731 the record in the proceeding before the Interstate Commerce Commission known as "Ex Parte No. 115", was consolidated with and made a part of the record in this proceeding. At the hearing in Jacksonville on May 10, 1938, the record in the proceeding before the Interstate Commerce Commission known as "Ex Parte No. 123," was consolidated with and made a part of the record in this proceeding.

2. The findings of the Interstate Commerce Commission in Ex Parte No. 123, referred to above, are quoted below:

"Ex Parte No. 123, 225, ICC, pages 138-139. All existing rates and charges, including those for accessorial services other than protective service against heat or cold, upon the date of this decision—may be increased, and as increased may be maintained, subject to the application of the rule of fractions, by 10%, except

"The rates on products of agriculture other than tropical fruits; except the rates on animals and products and the products thereof and articles taking the same rates, horses and mules not being included in this exception; and except lumber, shingles and lath, and articles taking lumber rates; except the rates on cottonseed oil and vegetable oils, n. o. s., other than linseed oil; as to all of which excepted groups of commodities the increase in rates may be 5 percent; and except anthracite, which may be increased 10 cents per ton of 2,000 pounds; and except bituminous coal, lignite, coke and iron ore, which commodities should reasonably bear no further increases than those already imposed pursuant to authority granted in the case last cited. (Ex Parte 115).

The increases authorized may not reasonably exceed the specific maxima originally proposed by the applicants to be applied upon lumber, sugar, fruits and vegetables. Such rates and charges as those upon fresh milk and cream, and those for protective service, which applicants in their petition or on the hearing disclaimed intention to increase, are not included within this authorization and increases on them are not found to have been justified.

"As increased as above specified, to the extent indicated, but only to that extent, the resulting general basis of rates and charges of the carriers described will be just and reasonable."

It is FOUND, from the records in Ex Parte No. 115 and Ex Parte No. 123 and from direct oral testimony before this Commission that Common Carriers operating in this State, both rail and Motor carriers and water carriers are in need of additional revenue, which finding is amply supported by the evidence and quite generally conceded by shippers and receivers of freight.

3. It is FOUND that the increased rates and charges which are hereby approved, are necessary to preserve the financial stability of the carriers and are in the public interest. The increases are so distributed as not to work an undue burden or hardship on any industry or community.

It is therefore ORDERED that except as hereinafter provided, all common carrier railroads, all common carrier truck lines, and all common carrier water and water-truck lines doing an intrastate business in the State of Florida, be and they are hereby authorized and permitted, within 90 days from the date hereof, to increase all existing intrastate freight rates and charges in Florida to the same extent and in the same amounts that interstate freight rates and charges in this

territory were authorized to be increased by the Interstate Commerce Commission in Ex Parte No. 123, with the following exceptions:

- a. CEMENT, C.L. No increase.
- b. BRICK and CLAY PRODUCTS. No increase.
- c. LOGS, UNTREATED PINE POLES, UNTREATED PILING AND UNTREATED PINE CROSS TIES, C.L. May be increased 5 per cent.
- d. ROAD BUILDING and ROAD SURFACING or PAVING MATERIALS, C.L. No finding is made as to these materials for the present in order to allow time for conferences between the State Road Department, road material producers and the carriers to work out an adjustment that will be mutually agreeable. If no agreement can be reached, the matter may again be called to the attention of the Commission.

It is FURTHER ORDERED that the Railway Express Agency be, and it is hereby authorized to increase its Florida intrastate rates as carried in its Miscellaneous Commodity Tariff Fla. R.C. No. 81, effective on the same date that the increases as authorized by this Order on Rail Rates become effective.

It is FURTHER ORDERED that rail lines, water lines, water-truck lines and the Railway Express Agency confer among themselves and agree upon a date on which all of the increases that are authorized in this Order are to become effective. This will avoid confusion. Notify the Commission of the date agreed upon, so that we may issue our supplement on all-truck rates effective on the same date.

The increases herein authorized for all-truck carriers will be provided for by a special Supplement to Florida Motor Freight Tariff No. 2, to be issued by this Commission.

It is to be understood that our authorization of increases on rates carrying the so-called Florida Arbitrary is in no way to be construed as acquiescing on the part of this Commission in the principle of arbitraries on Florida traffic. We are just as opposed to the Florida Arbitraries as we have ever been.

It is FURTHER ORDERED that jurisdiction of these causes be and it is hereby retained for the purpose of entering such further order or orders as may appear to be just, reasonable and proper.

DONE AND ORDERED by the Railroad Commissioners of the State of Florida in session at their office in the City of Tallahassee, Florida, this 25th day of May, 1938.

ORDER NO. 1249,**DOCKET NO. 1308, Rail Rates.****DOCKET NO 1321, Express Rates.****DOCKET NO. 1319, All-Truck Rates.****DOCKET NO. 1322, Water and Water-Truck Rates.**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN THE MATTER OF THE APPLICATIONS OF RAIL, EXPRESS,
TRUCK AND WATER COMMON CARRIERS FOR AUTHORITY
TO INCREASE INTRASTATE FREIGHT RATES AND CHARGES
ON FLORIDA INTRASTATE TRAFFIC.

In our original Order No. 1248 in this proceeding we provided Exception c, reading as follows:

"c. LOGS, UNTREATED PINE POLES, UNTREATED PINE
PILING AND UNTREATED PINE CROSS TIES, may be
increased 5 percent."

It has been pointed out that a strict interpretation of this Exception would authorize an increase of 10 per cent on treated Pine Poles, Pine Piling and Pine Cross Ties, which was not intended.

It is THEREFORE ORDERED that Exception c on page 3 of Order No. 1248 be corrected to read as follows:

"c. LOGS, POLES, PILING and CROSS TIES, Pine or other
Native Wood, treated or untreated, may be increased 5
percent."

Order No. 1248 is hereby interpreted as authorizing an increase of 5 percent only on FRUIT, BERRY AND VEGETABLE BASKETS and HAMPERS.

DONE and ORDERED by the Railroad Commissioners of the State of Florida, in session at their office in the City of Tallahassee, Florida, this 14th day of June, 1938.

ORDER NO. 1250,**DOCKET NO. 1345.**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN THE MATTER OF THE APPLICATION OF THE PULLMAN COM-
PANY FOR AN INCREASE OF 10% IN ALL OF ITS SLEEPING
AND PARLOR CAR RATES, FARES AND CHARGES.

The above matter came on before the Railroad Commissioners of the State of Florida, upon the application of The Pullman Company, dated June 7, 1938, asking that this Commission allow the same increases on

Florida intrastate traffic as might be allowed by the Interstate Commerce Commission in the proceeding before that body under Ex Parte No. 125.

The Ex Parte No. 125 proceeding before the Interstate Commerce Commission began on November 22, 1937 and was decided on June 20, 1938. The entire record in that proceeding, including a transcript of the testimony and all exhibits and financial statements is in the files of this Commission, and is hereby made a part of this record.

The Commissioners, being conversant with this record, and being fully advised in the premises, FIND:

That from the evidence of record the Pullman Company has justified an increase in its rates for the occupancy of lower berths, but not to the extent prayed for of 10%.

It is further FOUND that the Pullman Company has not justified, for the present, at least, any increase for the occupancy of upper berths.

It is, therefore, ORDERED AND ADJUDGED that effective August 1st, 1938, unless objection is voiced thereto, that the Pullman Company be, and it is hereby authorized to increase its intrastate rates, fares and charges, exclusive of the charges for the use of upper berths, by 5%, with sufficient to be added when necessary to make the rate, fare or charge end in a multiple of 5 cents.

The increases hereby authorized may be made effective by the adoption of Special Supplement No. 3 to Tariff F. R. C. No. 7.

Jurisdiction of this cause is retained for such further action as may be necessary or proper in the premises.

DONE AND ORDERED by the Railroad Commissioners of the State of Florida, in session at their office in the City of Tallahassee, Florida, this 6th day of July, 1938.

ORDER NO. 1251,

DOCKET NO. 1332.

**BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF ATLANTIC COAST LINE RAILROAD
COMPANY TO CLOSE ITS AGENCY AT FRUITLAND PARK,
FLORIDA.**

Pursuant to Notice No. 733 dated May 20, 1938, this matter came on for hearing before the Railroad Commission of the State of Florida at the Chamber of Commerce, Leesburg, Florida, on June 7th, 1938.

F. B. Langley and F. A. Hansen appeared for applicant.

Karl Lehmann, for Lake County Chamber of Commerce.

H. L. Pringle, for protestants.

The Atlantic Coast Line Railroad Company seeks authority from the Commission to close its agency at Fruitland Park, Florida, (except during the watermelon shipping season in May and June of each year) because of insufficient revenues from that point as compared to the cost of maintaining the agency. Fruitland Park is about three and a half miles north of Leesburg in Lake County.

The applicant placed in evidence figures showing that its total revenues from the operation of this agency during the twelve months ending March 31, 1938, was \$9,738.42, or an average of \$811.53 per month. Excluding the revenue from carload shipments (which it is possible, but not always satisfactory, to handle without an agent) the revenue for this period was \$772.91, or an average of \$64.41 per month. The cost of maintaining the agency, including the agent's salary, averaged \$122.72 per month. Revenues received from express shipments to and from this point were not shown, but it was stated in the application that "arrangements will be made for the caretaker to act as agent for the Railway Express Agency, Inc."

Officials and citizens of the town of Fruitland Park protested the discontinuance of the agency. Their complaint was not only that the services of the railroad agency would be lost, but that eventually the express agency would have to be closed. The agent represents both the railroad and the Express company, and there was evidence showing that it would be difficult to maintain the express agency alone without the support of the other. It appears that express shipments are increasing, and the Commission does not believe that the express service here should be unnecessarily jeopardized.

The total revenue received by the railroad has averaged over six and one-half times the cost of maintaining the agency. The Commission is not prepared to say that this ratio is sufficient to support the agency; but where an agency such as this brings the railroad nearly \$10,000.00 a year, exclusive of express earnings, the Commission does not believe it should be discontinued and the people of the community deprived of this service, unless the revenues continue to decline and show no evidence of increase in the future. Once an agency is closed the business developed by the agent is largely lost, the traffic which had to go through the agent moves elsewhere, and the likelihood is remote that the community itself (absent an unusual growth) can develop the traffic necessary to reopen the agency. Where a case is on the border-line, such as this one, and there is the possibility that economic conditions and revenues might improve in the near future, the Commission is reluctant to authorize the discontinuance of a service that would always be difficult to reestablish.

For these reasons, the Commission will not authorize the closing of this agency at this time. The final order will not be entered until

after January 1, 1939, and the applicant will be required to furnish the Commission with the revenues from the Fruitland Park agency for the months of April through December, 1938, inclusive. At that time the Commission will be able to determine whether the railroad is justified in closing the agency, or whether the people of Fruitland Park, because of increased use of the agency, are entitled to have it remain open.

Wherefore, it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the final disposition of the application of the Atlantic Coast Line Railroad Company for authority to close its agency at Fruitland Park, Florida, be **POSTPONED** until after January 1, 1939.

It is further **ORDERED** that the Atlantic Coast Line Railroad Company shall furnish the Commission with a statement of the revenues received by it from its agency at Fruitland Park, Florida, for the months of April through December, 1938, inclusive, as soon as practicable.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the city of Tallahassee, Florida, this 14th day of July, 1938.

ORDER NO. 1252,

DOCKET NO. 1341.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF ATLANTIC COAST LINE RAILROAD
COMPANY TO DISCONTINUE TRAINS NOS. 175 AND 176 BE-
TWEEN HAINES CITY AND CLEWISTON AND TO REPLACE
THIS SERVICE WITH A MIXED TRAIN DAILY, EXCEPT SUNDAY.

Pursuant to Notice No. 737 dated May 31, 1938, this matter came on for hearing before the Railroad Commission of the State of Florida in session at Polk Hotel, Haines City, Florida, on June 8, 1938.

F. B. Langley and E. B. Rush appeared for applicant.

W. M. Reck, Thomas Shelly, H. E. Draper, H. C. Jones and

Walter R. Brewster, appeared for protestants.

The applicant operates one passenger and one freight train each way daily between Haines City and Clewiston, Florida. The passenger trains also operate between Lakeland and Haines City. Southbound, passenger train No. 102 leaves Lakeland each day at 5:45 A.M. and arrives at Haines City at 6:15. It leaves Haines City at 6:25 A.M. as Train No. 175, and goes through what is known as the Ridge Section of the State, serving the towns of Lake Wales, Babson Park, Frostproof,

Avon Park, Sebring and Moore Haven, and arrives at Clewiston at 10:00 A.M. Northbound, the passenger train leaves Clewiston at 5:50 P.M. as Train No. 176, and arrives in Haines City at 9:45 P.M. It leaves Haines City at 9:55 P.M. as Train No. 101 and arrives in Lakeland at 10:30 P.M. Trains 101 and 102 are merely auxiliary to the main service between Haines City and Clewiston, and are operated for the convenience of the railroad.

It is proposed to discontinue these passenger trains entirely and operate instead a mixed train daily each way between Haines City and Clewiston. This mixed train would be the present freight train except that it would carry, in addition to its usual freight, the passengers, mail and express now carried on Trains 175 and 176. This mixed train would leave Haines City at 8:30 A.M. and arrive in Clewiston at 3:30 P.M. Northbound, it would leave Clewiston at 8:30 A.M. and reach Haines City at 3:00 P.M.

The applicant presented statements from its accounting department showing total passenger and mail revenue from the operation of trains 101, 102, 175 and 176 for the year ending April 30, 1938, to be \$25,498.90. Total direct operating expenses were shown to be \$78,631.39, and other expenses chargeable to these trains (fixed charges on equipment and indirect operating expenses) amounted to \$46,039.54—a total of \$124,670.93 as the cost of operating these trains. The difference between this figure and the revenue total, or \$99,172.03, was the alleged total loss sustained by the railroad during the twelve months.

Protests to the discontinuance of these passenger trains were made by representatives of residents and commercial interests along this line. Chief concern was over the disruption of the regular mail and express service furnished by the passenger trains. It appears that the mixed train would be nothing more than the freight train with passenger, mail and express cars added, and that the service would be anything but regular, especially during the heavy shipping season. Protestants representing commercial interests in Clewiston were particularly concerned with what would be a considerable slowing down of their mail service, and of their express service for which they are entirely dependent upon the applicant.

It further appears that this line is a profitable one for the Coast Line from the standpoint of freight revenue, most of which originates at the sugar producing industries around Clewiston, and, as previously stated, this section is entirely dependent upon the Coast Line for all of its rail service.

One of the statutes governing the Railroad Commission says:

"Every railroad company shall operate over every part of its line not less than one passenger and one freight train each

way daily except Sunday, unless the Railroad Commissioners shall determine that the public need does not require a greater service than one mixed train each way daily except Sunday, and if they shall so determine, such service will be deemed sufficient until the Commissioners otherwise order." (Sec. 6707, Compiled General Laws, 1927).

The Commission finds that the public served by the trains sought to be discontinued needs the passenger, mail and express service furnished by these trains and requires a greater service than would be provided by the proposed substitute. This public need the Commission finds is sufficient to overcome the loss shown by the railroad in the operation of the passenger trains.

"Where it appears that a particular service is a duty vitally necessary to the public, and its performance is essential in adequately rendering a general public service as common carrier, the fact that the performance of the particular duty will be unremunerative will not in view of the nature of the duty to the public excuse non-performance." (State vs. L. & N. Ry. Co. 62 Fla. 315; 57 Sou. 175).

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Atlantic Coast Line Railroad Company to discontinue Trains Nos. 175 and 176 between Haines City and Clewiston and to replace this service with a mixed train daily, except Sunday, be and the same is hereby **DENIED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the city of Tallahassee, Florida, this 13th day of July, 1938.

ORDER NO. 1253,

DOCKET NO. 1333.

**BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF ATLANTIC COAST LINE RAILROAD
COMPANY TO CLOSE ITS AGENCY AT LOUGHMAN, FLORIDA.**

Pursuant to Notice No. 734 dated May 20, 1938, this matter came on for hearing before the Railroad Commission at the Polk Hotel, Haines City, Florida, on June 8th, 1938.

F. B. Langley, J. P. Walker and E. B. Rush, appeared for the applicant.

S. L. Fields, W. C. Lee, G. W. Dorn and G. H. Bode appeared for protestants.

The Atlantic Coast Line Railroad Company seeks authority to discontinue its agency at Loughman, Florida, because of insufficient revenues from that point as compared with the cost of maintaining the agency. Loughman is in Polk County about half way between Haines City and Kissimmee.

The testimony shows that the total revenue received by the railroad from the operation of this agency during the fourteen months ending with March, 1938, was \$5,612.15, or an average of a little more than \$400.00 per month. The cost of maintaining the agency averaged \$155.60 per month. If revenue from carload shipments, which can be handled without an agent, is excluded, the total for this period is \$483.67 per month. The situation actually is worse than these figures indicate because the lumber operations and lumber mill, which for years supported the town and was the source of most of the freight revenue moving through the agency, have been moved away and no longer operate in that section. Over \$3,000.00 or 64% of the revenue received during the past year was for carload shipments of scrap iron and materials being moved away by the old lumber company. There was also a temporary movement of road building materials in this period and no evidence that there will be any such movement in the future.

The Commission has carefully considered the objections voiced by counsel and witness for the protesting citizens of Loughman. The Commission is sympathetic with their efforts to build their town and the desire not to lose any of their transportation facilities. But the Courts have held that this Commission cannot compel the railroad to perform an unremunerative service unless it is one that is necessary to the public. The granting of this application will leave the town of Loughman with the same train service as heretofore, but without the convenience of an agent. The facts in this case do not justify requiring the railroad to continue to operate this agency at a loss when there is nothing to show any prospect of increased revenues in the near future.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of the Atlantic Coast Line Railroad Company for authority to close its agency at Loughman, Florida, be and the same is hereby **GRANTED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 14th day of July, 1938.

ORDER NO. 1254,

DOCKET NO. 1330.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF ATLANTIC COAST LINE RAILROAD
COMPANY TO CLOSE ITS AGENCY AT LAKE HAMILTON,
FLORIDA.

Pursuant to Notice No. 734 dated May 20, 1938, this matter came on for formal hearing before the Railroad Commission of the State of Florida at the Polk Hotel, Haines City, Florida, on June 8th, 1938.

F. B. Langley, J. P. Walker and E. B. Rush appeared for the applicant.

C. E. Davis appeared for protestants.

The Atlantic Coast Line Railroad Company seeks authority to close its agency at Lake Hamilton, Florida, during the months of June, July and August, 1938, because of insufficient revenues from that point as compared to the cost of maintaining the agency. Lake Hamilton is in Polk County, 5.3 miles south of Haines City.

The evidence presented by the Railroad shows that during these three months in 1937 the total revenue received by it from shipments to and from Lake Hamilton averaged \$717.93 per month while the cost of maintaining the agency was \$149.44 per month. However, of this revenue nearly 90% was from carload shipments, to handle which an agent is not necessary. The revenue from other than carload shipments averaged but \$79.12 per month.

The Commission is of the opinion that the railroad has justified the closing of this agency during these months because of the insufficient revenues received during the summer. There does not appear to be any real public need for an agent which would warrant requiring the railroad to operate the agency at a loss.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of the Atlantic Coast Line Railroad Company for authority to close its agency at Lake Hamilton, Florida, during the months of June, July and August, 1938, be and the same is hereby **GRANTED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the city of Tallahassee, Florida, this 13th day of July, 1938.

ORDER NO. 1255,

DOCKET NO. 1331.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF ATLANTIC COAST LINE RAILROAD
COMPANY TO CLOSE ITS AGENCY AT MASCOTTE, FLORIDA.

Pursuant to Notice No. 733 dated May 20, 1938, this matter came on for formal hearing before the Railroad Commission of the State of Florida, in session at the Chamber of Commerce, Leesburg, Florida, on June 7th, 1938.

F. B. Langley, G. E. Rollins and F. A. Hansen appeared for the applicant.

S. E. Bryant, appeared for agents of A.C.L. Railroad.

A. R. Ganor, Manuel Sloan, W. F. Roberts and C. W. Porterfield appeared for the town of Mascotte as protestants.

The Atlantic Coast Line Railroad Company seeks authority from the Commission to close its agency at Mascotte, Florida, except during the watermelon shipping season of each year, because of insufficient revenues from that point as compared to the cost of maintaining the agency. Mascotte is in Lake County about two and a half miles west of Groveland.

The applicant showed that its total revenues from the operation of this agency for the fifteen months ending with March, 1938, were \$3,-564.33, or an average of \$237.62 per month. Excluding the revenue from carload shipments, which can be handled without an agent, the revenue for this period was \$540.44, or an average of \$36.03 per month. The applicant's figures further show that the carload shipments of melons in June 1937, amounted to \$2,830.71, or over 80% of the total for the year. The revenues for the other months were very small.

This agency has been operated at considerable loss to the railroad for several years except during the watermelon shipping season. The revenues for the other months are so small when compared to the actual out-of-pocket cost of maintaining the agency that the Commission would not be justified in requiring the railroad to continue to lose money by keeping the agency open. The Commission has given due consideration to the testimony of the many citizens of Mascotte, and Lake County, who protested the closing of this agency, and is fully sympathetic with their desire not to lose any of their transportation facilities. But our Supreme Court has said that before the Railroad Commission can require a railroad to perform an unremunerative service it must appear that the "service is a duty vitally necessary to the public." (State vs. L. & N. R. Co., 62 Fla. 315; 57 So. 175). It cannot be said in this

case that it is essential to the transportation needs of the section in and around Mascotte that this agency be maintained at considerable loss. Other agencies of both the Coast Line and the Seaboard are within a few miles and can be reached by paved highways. To keep the agency open during the watermelon season is all that the Railroad Commission can require of the railroad under the circumstances of this case.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Atlantic Coast Line Railroad Company for authority to close its agency at Mascotte, Florida, except during the watermelon shipping season each year, is hereby **GRANTED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 13th day of July, 1938.

ORDER NO. 1256,

DOCKET NO. 1342.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF ATLANTIC COAST LINE RAILROAD COMPANY TO DISCONTINUE ITS REGULAR MIXED TRAIN SERVICE BETWEEN FORT MYERS AND COLLIER CITY, FLORIDA.

Pursuant to Notice No. 738 dated May 3, 1938, this matter came on for formal hearing before the Railroad Commission of the State of Florida in session at the Bradford Hotel, Fort Myers, Florida, on June 9, 1938. The following appeared at said hearing:

F. B. Langley, J. P. Walker and E. B. Rush representing the applicant.

No appearances for protestants.

This application is for authority to discontinue the operation of mixed trains Nos. 458 and 459 which are run daily except Sunday between Fort Myers, Florida, and Collier City, a distance of approximately fifty-two miles. This is all of the applicant's line running south of Fort Myers, and these trains furnish the only rail service to the towns along the line of Estero, Bonita Springs, Naples and Collier City. It is proposed to handle only carload shipments of freight when offered for movement along this line.

The laws governing the Railroad Commission provide:

"Every railroad company shall operate over every part of its line not less than one passenger and one freight train each way

daily except Sunday, unless the Railroad Commissioners shall determine that the public need does not require a greater service than one mixed train each way daily except Sunday, and if they shall so determine, such service will be deemed sufficient until the Commissioners otherwise order." (Sec. 6707, Compiled General Laws of 1927).

It appears that the applicant is already furnishing over this line the minimum service allowed by law, namely, "one mixed train each way daily except Sunday." The Railroad Commission is without authority under this statute to authorize any less service.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of the Atlantic Coast Line Railroad Company for authority to discontinue its regular mixed train service between Fort Myers and Collier City, Florida, be and the same is hereby **DISMISSED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the city of Tallahassee, Florida, this 22d day of July, 1938.

ORDER NO. 1257.

DOCKET NO. 1329.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF SEABOARD AIR LINE RAILWAY TO
DISMANTLE ITS DEPOT AT REDLAND, FLORIDA.

Pursuant to Notice No. 736 dated May 20, 1938, this matter came on for formal hearing before the Railroad Commission of the State of Florida in session at the Court House, Miami, Florida, on June 10, 1938.

B. C. Stanley appeared for the applicant.

No one appeared for protestants.

The Seaboard station at Redland, sought to be dismantled, is about twenty miles south of Miami on a line over which the applicant operates only freight trains; there is no mail, express or passenger service. There is no agent at Redland and most of the freight moves in carloads and there is a siding to handle such shipments. The L. C. L. revenue received during the twelve months ending with November, 1937, amounted to \$1,411.99 of which all, or nearly all, was freight unloaded on the siding for the Redland Packing Company. It appears to the Commission that there is no need for a station at Redland and that the railroad should be allowed to save the maintenance costs, insurance and taxes on the building.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED BY THE RAILROAD COMMISSION** of the State of Florida, that the application of the Receivers of Seaboard Air Line Railway for authority to dismantle their station at Redland, Florida, be and the same is hereby **GRANTED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 14th day of July, 1938.

ORDER NO. 1258,

DOCKET NO. 1327.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF SEABOARD AIR LINE RAILWAY TO
DISMANTLE ITS DEPOT AT FORT GREEN SPRINGS, FLORIDA.

Pursuant to Notice No. 734 dated May 20, 1938, this matter came on for formal hearing before the Railroad Commission of the State of Florida at the Polk Hotel, Haines City, Florida, on June 8th, 1938.

B. C. Stanley appeared for the applicant.

No one appeared in opposition.

Fort Green Springs is a non-agency station of the Seaboard Air Line about twelve miles west of Wauchula in Hardee County. The agency was closed about a year ago. The applicant presented figures to show that the total freight revenue it received from this point, most of it from carload shipments, amounted to \$227.38 for the six months ending with January, 1938, an average of \$37.90 per month. There was no passenger revenue for this period. The traffic has declined to the point where the present depot is much larger than is necessary to handle the business, and the Commission is of opinion that the small shed proposed to be built in place of the present station will be sufficient to handle the traffic.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of the Receivers of the Seaboard Air Line Railway for authority to dismantle depot at Fort Green Springs, Florida, be and the same is hereby **GRANTED** on condition that a small covered shed, approximately 10 Ft. by 12 or 14 Ft. be erected on the present site of the depot.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 14th day of July, 1938.

ORDER NO. 1259,

DOCKET NO. 1334.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF SEABOARD AIR LINE RAILWAY TO
DISMANTLE PASSENGER DEPOT AT CORAL GABLES, FLORIDA.

Pursuant to Notice No. 736 dated May 20, 1938, the above matter came on for formal hearing before the Railroad Commission of the State of Florida at the Court House in Miami, Florida, on June 10, 1938.

B. C. Stanley appeared for applicant.

J. J. Lamb and George E. Merrick appeared for protestants.

The Receivers of Seaboard Air Line Railway seek authority to dismantle their passenger depot at Coral Gables, Florida. This depot was built about 1927 at a cost of around twenty or twenty-five thousand dollars, and it was a stopping point of a few trains that year. Since that time it has not been used. No passenger trains have run over the line on which it is located for the past ten years. It is located a mile or more outside of the present City of Coral Gables in a sparsely settled section of Dade County. It is in a dilapidated condition, and the Commission would not be justified in requiring the railroad to repair it, maintain it, pay insurance and taxes on it, when there appears to be no prospect of its use any time in the near future. The transportation needs of the City of Coral Gables appear to be amply provided for through the adjoining city of Miami.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Receivers of Seaboard Air Line Railway to dismantle their passenger depot at Coral Gables, Florida, be and the same is hereby **APPROVED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 14th day of July, 1938.

ORDER NO. 1260,

DOCKET NO. 1328.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF SEABOARD AIR LINE RAILWAY FOR
AUTHORITY TO DISMANTLE ITS DEPOT AT ANTHONY,
FLORIDA.

Pursuant to Notice No. 732 dated May 20, 1938, this matter came on for formal hearing before the Railroad Commission of the State of Florida at the Court House in Ocala, Florida, on June 6th, 1938.

B. C. Stanley represented the applicant.

No one appeared for protestants.

Anthony is a non-agency station of the Seaboard Air Line about seven miles north of Ocala, Florida. The applicant showed that its shipments to and from that point had fallen off to the point where the depot there was much larger than was necessary to handle the traffic. The revenue from carload shipments during the twelve months ending with October, 1937, amounted to only \$87.22, and the revenue from L. C. L. for this period was only \$504.21, an average for both of less than \$50.00 per month. Passenger revenues for approximately the same period averaged only \$19.27 per month. The Commission is of opinion that the small shed proposed to be built in place of the present depot will be sufficient to handle the traffic.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of the Receivers of Seaboard Air Line Railway for authority to dismantle their depot at Anthony, Florida, be and the same is hereby **GRANTED** upon condition that a shed ten feet by sixteen feet (10x16), with the north half thereof enclosed and capable of being locked, and the south half an open platform, shall be erected and used in lieu of the present depot.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 13th day of July, 1938.

ORDER NO. 1261,

DOCKET NO. 1335.

**BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF FLORIDA EAST COAST RAILWAY TO
RETIRE STATION AT KELSEY CITY, FLORIDA.**

Pursuant to Notice No. 736 dated May 20, 1938, this matter came on for formal hearing before the Railroad Commission of the State of Florida at the Court House in Miami, Florida, on June 10th, 1938.

B. R. Coleman, D. Leah and C. L. Beals represented the applicant.

Edward G. Newell represented the protestants.

The Kelsey City station on the Florida East Coast Railway is about seven miles north of West Palm Beach. It was built during 1927, an agency was opened, but with the collapse of the "boom" and the beginning of the depression revenues declined and the agency was closed in 1931. Since then traffic has been handled as is usual at non-agency stations. The railroad presented figures showing their gross freight receipts at Kelsey City for the twelve months ending with April, 1938 were \$3,185.67, an average of less than \$10.00 per day. There were twenty-nine carloads received during this period. There were no carloads forwarded.

The station is badly in need of repair and should be dismantled unless the Commission would be justified in requiring the railroad to repair, maintain, pay taxes and possibly insurance on it. The Commission has given careful consideration to the testimony and arguments of counsel for the town of Kelsey City, but under the circumstances of this case it cannot require the railroad to bear the cost or be further responsible for the maintenance of this station.

It appears that this station was built pursuant to a contract between the railroad and Harry S. Kelsey, the developer of Kelsey City. It is not within the province of this commission to pass upon this contract, and it cannot determine the rights of the parties thereunder. It only finds that public transportation needs do not require a station at Kelsey City.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of the Receivers of Florida East Coast Railway Company to retire and dismantle their station at Kelsey City, Florida, be and the same is hereby **GRANTED.**

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 13th day of July, 1938.

ORDER NO. 1262,

DOCKET NO. 1337.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF RAILWAY EXPRESS AGENCY, INC., TO
CLOSE ITS AGENCY AT OCKLAWAHA, FLORIDA.

Pursuant to Notice No. 732, this matter came on for formal hearing before the Railroad Commission of the State of Florida at the Court House in Ocala, Florida, on June 6, 1938.

M. Tucker appeared for the applicant.

No one appeared for protestants.

The Ocklawaha Agency of the Express Agency is located on the Atlantic Coast Line Railroad about seventeen miles southeast of Ocala and five miles north of Weirsdale. The Atlantic Coast Line agency at this point was closed about a year ago. It was a joint agency with the Express and since that time the express revenues have dropped to where they average less than \$100.00 per month. For various reasons, the applicant has not been able to secure any one to act as agent for the small amount that his commission would be and who was satisfactory, although it appears that diligent effort has been made to employ an agent. The applicant expressed willingness to reopen the agency when a satisfactory person could be secured as agent.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of the Railway Express Agency, Inc., for authority to close its agency at Ocklawaha, Florida, be and the same is hereby **GRANTED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 13th day of July, 1938.

ORDER NO. 1263,

DOCKET NO. 1338.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE. APPLICATION OF RAILWAY EXPRESS AGENCY, INC., TO
CLOSE ITS AGENCY AT CLYATTS, FLORIDA.

Pursuant to Notice No. 732 dated May 20, 1938, this matter came on for formal hearing before the Railroad Commission of the State of Florida at the Court House in Ocala, Florida, on June 6, 1938.

M. Tucker represented the applicant.

No one appeared for protestants.

Clyatts, Florida, where the Express Agency is sought to be closed, is in Alachua County on the Jacksonville, Gainesville & Gulf Railroad about thirteen miles south of Gainesville and four miles north of Micanopy. The agent who has been representing both the railroad and the express company has resigned and the applicant has been unable to secure another agent, although diligent efforts have been made. The revenues received by the applicant from this point have declined, and totaled \$786.87 for the twelve months ending with February, 1938, an average of \$65.55 per month. However, \$697.60 of this total was received during the month of March, 1937, and there has been several months since then during which no shipments were made. There is an express agent at Micanopy, and it appears that there is no need for an agent at Clyatts.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of the Railway Express Agency, Inc., for authority to close its agency at Clyatts, Florida, be and the same is hereby **GRANTED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 13th day of July, 1938.

ORDER NO. 1264,

DOCKET NO. 1336.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF RAILRAY EXPRESS AGENCY, INC., TO
CLOSE ITS AGENCY AT NORTH MIAMI BEACH, FLORIDA.

Pursuant to Notice No. 736 dated May 20, 1938, this matter came on for formal hearing before the Railroad Commission of the State of Florida at the Court House in Miami, Florida, on June 10, 1938.

J. T. Trawick represented the applicant.

No one appeared for protestants.

The Railway Express Agency at North Miami Beach is located one and one-half miles south of Ojus, Florida, where there is an agency. The revenues at the North Miami Beach agency for the year 1937 averaged \$47.53 per month and the commission paid the agent \$4.77. On account of the small earnings the agent has resigned, and it appears that the applicant has made diligent, though unsuccessful, efforts to secure another agent. The agency at Ojus is so near that it appears that there is little need for an agent at North Miami Beach.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of the Railway Express Agency, Inc., for authority to close its agency at North Miami Beach, Florida, be and the same is hereby GRANTED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 13th day of July, 1938.

ORDER NO. 1265.

DOCKET NO. 1343.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF WESTERN UNION TELEGRAPH COMPANY FOR AUTHORITY TO CHANGE ITS METHOD OF OPERATION AT CEDAR KEY, FLORIDA.

1. Pursuant to Notice No. 739 dated June 15, 1938, this matter came on for formal hearing before the Railroad Commission of the State of Florida, at the Seminole Hotel, Jacksonville, Florida, on June 29, 1938.

F. E. Frazier, District Superintendent of Western Union Telegraph Company appeared for the applicant.

W. R. Hodges, J. H. Day, W. H. Hale, C. C. Whiddon, John McNulty, F. E. Depew and Grinnell Hughes appeared for protestants.

2. The Western Union Telegraph Company desires to change its method of operation at Cedar Key, Florida, from the present Morse operated Class 1-B office to a Teleprinter operated Class 11-B agency. The telegraph company contends that the installation of this latest equipment, the teleprinter, which operates like a typewriter, will improve the facilities at Cedar Key where they now use the old Morse Code. It proposes to abandon its present separate office and has entered into a contract under which it would place its teleprinter equipment in Trawick's Pharmacy and the various clerks in such drug store would send and receive telegraph messages. By means of such change in operation six more hours of service would be provided to its patrons than are being given at this time. It is further shown that the revenue at Cedar Key averages \$120.00 per month and the expenses of the company were \$124.00 per month for a period of five years from January 1, 1933 up to and including five months of 1938. During that five year period there has been no improvement and it is now trying to get away from a deficit in this office without affecting the service, and really actually improving the service.

3. A number of the citizens of Cedar Key appeared in opposition to the change proposed by the Western Union Telegraph Company, the principal objection being as to the secrecy of the messages which are received and sent in a drug store. They contended that the fish business, in which most of the people of Cedar Key are engaged, is highly competitive and they desire any message that is sent to be in strict confidence. They further objected on the ground that since Dr. Trawick and his clerks are primarily engaged in the drug store business that the sending and receiving and looking after the telegraph business will be of secondary consideration.

4. The Commission has carefully considered the record made in this case and is of opinion that the Western Union Telegraph Company should be given an opportunity to increase its revenue, provided that it renders the same or better service, and that it be allowed to try this new system and see if such results can be obtained.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the Western Union Telegraph Company be and it is permitted to change its method of operation at Cedar Key Florida, from the present Morse operated 1-B office to a Teleprinter operated Class 1-B agency, and to maintain such teleprinter service in its new location as described in the record; Provided that if the new service does not prove satisfactory the company must restore the present agency system.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 13th day of July, 1938.

ORDER NO. 1266,

DOCKET NO. 1326.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF GEORGIA, SOUTHERN & FLORIDA RAIL-
WAY COMPANY TO REDUCE INTRASTATE SERVICE IN
FLORIDA.

This matter came on this day for consideration upon the petition of Georgia, Southern & Florida Railway Company entitled "Amended Petition and Application of Georgia, Southern & Florida Railway Company to Reduce Intrastate Service now Furnished," and it appearing to this Commission and this Commission finding that that portion of Section 6707 Compiled General Laws, 1927, (Section 4621, Revised General Statutes, 1920), reading as follows, viz:

"Every railroad company shall operate over every part of its line not less than one passenger and one freight train each way daily except Sunday, unless the railroad commissioners shall determine that the public need does not require a greater service than one mixed train each way daily except Sunday, and if they shall so determine, such service will be deemed sufficient until the commissioners otherwise order,"

is mandatory upon railroads operating in the State of Florida and upon this Commission, and that this Commission is without jurisdiction or authority to permit the operation of less than one train each day, Sundays excepted, over the lines of said Georgia, Southern & Florida Railway Company in Florida.

It is therefore ORDERED that the said Railroad Commissioners of the State of Florida are without jurisdiction to grant the relief prayed by said petition and application of said Georgia, Southern & Florida Railway Company, and that said petition and application be and the same are hereby dismissed on that account.

DONE AND ORDERED by the Railroad Commissioners of the State of Florida in session at their office in the City of Tallahassee, Florida, this 27th day of July, A. D. 1938.

ORDER NO. 1267,

DOCKET NO. 1274.

**BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
RELATING TO THE SAFETY, CARE, COMFORT, CONVENIENCE,
PROPER ACCOMMODATION AND TRANSPORTATION OF PAS-
SENGERS BY RAILROAD IN SLEEPING, PARLOR, CHAIR, DIN-
ING OR BUFFET CARS WITHIN THE STATE OF FLORIDA.**

1. By Order No. 1217 dated November 20, 1935, this Commission required that from and after the effective date of this order no sleeping car, parlor car, chair car, dining car or bullet car shall be operated on any line of railroad in the State of Florida when occupied by passengers holding the proper transportation for the accommodation of such cars unless such cars were continuously in charge of an employee or an authorized agent of the firm or corporation owning or operating the same having the rank and position of Pullman Conductor. This order was entered without a hearing.

2. Complaint having been made that Order No. 1217 was made and entered without a hearing, this Commission entered its Order No. 1218 setting the matter down for hearing, and after hearing and con-

ference with representatives of The Pullman Company and of the rail carriers operating in this State, entered its Order No. 1228 dated January 9, 1936, amending its Order No. 1217 so as to read as follows:

"Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that from and after the effective date of this order no sleeping car, parlor car, chair car, dining car or buffet car, shall be operated on any line of railroad in the State of Florida when occupied by passengers holding the proper transportation for the accommodation of such cars unless such cars are continuously in charge of an employee or an authorized agent of the firm or corporation owning or operating same, having the rank and position of pullman conductor or dining car steward; Provided that one or more pullman cars in the same train may be in the custody or care of a pullman conductor."

It was further provided, that, in view of the spirit of co-operation on the part of The Pullman Company and the rail carriers, no further hearing was required and the effective date of Order No. 1217, as amended by Order No. 1228, was postponed indefinitely.

3. It now having come to the attention of this Commission that it is the intention of certain of the rail carriers operating in the State to operate certain of their dining cars without such cars being continuously in charge of an employee or authorized agent of the company having the rank and position of pullman conductor or dining car steward, and that the Receivers of the Seaboard Air Line Railway are actually operating their dining car between Jacksonville and Pensacola without having in charge a dining car steward, and the Commission being of opinion that a hearing should be held to hear and determine whether or not Order No. 1217, as amended by Order No. 1228, should be made effective:

It is therefore **ORDERED** that The Pullman Company, and all railroad companies operating in the State of Florida under the jurisdiction of this Commission, be and they are hereby required to appear at a hearing called at the **SEMINOLE HOTEL, JACKSONVILLE, FLORIDA**, on **AUGUST 16, 1938**, at 10 o'clock A.M. to show cause, if any, why Order No. 1217, as amended by Order No. 1228, should not be made immediately effective and its provisions enforced.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 28th day of July, 1938.

ORDER NO. 1268,

DOCKET NO. 1358.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF ATLANTIC COAST LINE RAILROAD
COMPANY FOR AUTHORITY TO DISCONTINUE ITS AGENCY
AT HILLIARD, FLORIDA.

1. Pursuant to Notice No. 745 this application came on for formal hearing before the Railroad Commission of the State of Florida at the Mayflower Hotel, Jacksonville, Florida, on August 12, 1938. The following appeared:

W. L. Blake, Superintendent of the Atlantic Coast Line appeared for applicant.

No one appeared in opposition.

2. The applicant presented figures to show that its less carload freight and ticket sales during the twelve months ending with the month of March, 1938, averaged \$113.41 per month at its agency at Hilliard. The expense of maintaining the agency, or the agent's salary was \$85.20 per month. Carload business averaged only \$165.90 per month during this period. Hilliard is located between Waycross, Georgia, and Jacksonville, Florida, twelve miles south of the applicant's agency at Folkston, Georgia, and ten miles north of the applicant's agency at Callahan, Florida. No protestants appeared at the hearing and the Commission is of opinion that the applicant should be allowed to discontinue its agency on account of the losses sustained by its maintenance.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of the Atlantic Coast Line Railroad Company for authority to close its agency at Hilliard, Florida, be and the same is hereby **GRANTED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 3rd day of October, 1938.

ORDER NO. 1269,

DOCKET NO. 1381.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF ATLANTIC COAST LINE RAILROAD
COMPANY TO CLOSE ITS AGENCY AT EDGAR, FLORIDA.

1. The above application came on for formal hearing before the Railroad Commission of the State of Florida pursuant to Notice No.

747 dated July 26, 1938, at the Mayflower Hotel, Jacksonville, Florida, on August 15, 1938. The following appeared:

F. B. Langley for applicant. No one appeared in opposition.

2. The Atlantic Coast Line Railroad Company presented figures at the hearing to show that it has received no revenue whatever from the operation of this agency at Edgar, Florida, for the period July 22nd to August 14, 1938, inclusive. The cost of maintaining the agency, the agent's salary, is \$107.00 per month. It appears that the only patron of the railroad at this point is the Edgar Plastic Kaolin Company, and that on July 21, 1938, this company stopped shipping through the Edgar agency and has since handled all of its freight and telegraph business through the applicant's agency at Palatka. An agent of this company testified that it did not intend to ship anything through the Edgar agency in the future. The Railroad Commission cannot require the railroad to maintain an agency which is being operated at a total loss where there is no prospect of any business in the future.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of the Atlantic Coast Line Railroad Company for authority to close its agency at Edgar, Florida, be and the same is hereby **GRANTED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 3rd day of October, 1938.

ORDER NO. 1270,

DOCKET NO. 1350.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF RAILWAY EXPRESS AGENCY TO CLOSE
ITS AGENCY AT HIGHLAND CITY, FLORIDA.

This application came on for formal hearing before the Railroad Commission of the State of Florida, pursuant to Notice No. 741, dated July 14, 1938, at the Angebilt Hotel, Orlando, Florida, on August 2, 1938.

The Railway Express Agency seeks authority to close its agency at Highland City, Florida, which is located on the Atlantic Coast Line Railroad 7.5 miles south of Lakeland and 5.5 miles north of Bartow in Polk County, Florida. The applicant states that the reason for closing the agency is that on or about June 16, 1938, the railroad discontinued its local freight and passenger service to this point and that it no longer has any means of serving the station. Only through trains which do not handle local express pass this point.

It appears from figures presented by the applicant that there is sufficient business to justify the maintenance of an express agency at Highland City. The total revenue for the twelve months ending with the month of April, 1938, amounted to \$4,384.48 while the cost of maintaining the agency was only \$466.24 for the same period. 2622 shipments were handled during this period, or an average of 219 per month. It appears that the shipping public in and around Highland City needs this service and that its discontinuance will result in great inconvenience. The Commission is of the opinion that the applicant should continue to furnish express service to this point.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Railway Express Agency, Inc., to close its agency at Highland City, Florida, be and the same is hereby **DENIED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 17th day of October, 1938.

ORDER NO. 1271,

DOCKET NO. 1365.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

FARRIS AND COMPANY, a
corporation,

Complainant,

vs.

ATLANTIC COAST LINE RAIL-
ROAD COMPANY, a common
carrier corporation,

Defendant.

ORDER DISMISSING COMPLAINT

On August 10, 1938 formal complaint was filed by Farris and Company of Jacksonville, Florida, against the Atlantic Coast Line Railroad Company with respect to the rules, regulations and charges affecting the transportation of livestock from Arcadia to Jacksonville. On October 11, 1938 the complainants filed with this Commission Praecipe for Dismissal of the complaint.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that this complaint be and the same is hereby **DISMISSED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 17th day of October, 1938.

ORDER NO. 1272,

DOCKET NO. 1367.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: PETITION OF MOTOR TRANSIT COMPANY OF JACKSONVILLE, FLORIDA, FOR AUTHORITY TO CHANGE ITS SCHEDULE OF FARES.

The Motor Transit Company petitioned the Railroad Commission for approval of a new schedule of fares for the transportation of persons in its busses within the City of Jacksonville and surrounding territory in Duval County. It appears that the petitioner is engaged in the business of transporting persons for compensation as a common carrier within and around the City of Jacksonville.

Section 30 of Chapter 14764, Laws of Florida, Acts of 1931, as amended by Chapter 17115, Acts of 1935 and Chapters 18028 and 18029 of the Acts of 1937, provides as follows:

"* * * There shall be further exempted from the provisions of this Article and from Commission jurisdiction and control, persons, firms, or corporations operating motor vehicles within the corporation limits of any city or town or the adjoining suburban territory, or between cities and towns whose boundaries adjoin, or over and upon State Road No. 78 south to Ponte Vedra and the territory adjacent to said State Road within a radius of ten miles thereof, where such business of carriage is regulated by the legislative body of such cities or towns."

This Section exempts all operations of the Motor Transit Company from the jurisdiction of the Railroad Commission unless the City of Jacksonville does not in any way regulate its business.

By Order No. 1149 dated May 19, 1933, this Commission authorized the Motor Transit Company to discontinue and abandon service upon its street railway in the City of Jacksonville and substitute for and in lieu of such railway system equal adequate motor transportation, or such other form of transportation as may be permitted under the terms of a certain ordinance adopted by the City known as Ordinance V-55. Thus it is that the Mayor and City Council of Jacksonville regulates the operations of this company and brings it within the exemption above

mentioned, and it is the opinion of the Commission that it has no jurisdiction over such operation.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that it has no jurisdiction to fix or approve the rates of the Motor Transit Company and that the petition of such Motor Transit Company be and it is hereby **DISMISSED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 23rd day of September, 1938.

ORDER NO. 1273.

DOCKET NO. 1349.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF ATLANTIC COAST LINE RAILROAD
COMPANY TO DISCONTINUE ITS AGENCY AT PINE CASTLE,
FLORIDA.

1. The above application came on for formal hearing before the Railroad Commission of the State of Florida pursuant to Notice No. 741 dated July 14, 1938 at Orlando, Florida, on August 2, 1938. The following appeared:

J. P. Walker, General Superintendent, and E. B. Rush, Superintendent, appeared for the applicant.

H. E. Pool and V. O. Gardner appeared for protestants.

2. The applicant seeks authority to permanently close its agency at Pine Castle which is located approximately five miles south of Orlando. The applicant presented figures to show that its total revenue received from freight shipped to and from Pine Castle amounted to \$4823.19 for the year ending January 31, 1938. This does not include any revenue from express shipments which were shown to amount to \$2574.30 for the year ending with the month of February, 1938. The cost of operating the agency, largely the agent's salary, was shown to be \$1507.44 for the year ending January 31, 1938.

3. There were many business men and shippers from the town of Pine Castle who testified that the closing of this agency would seriously inconvenience them. It does not appear that there has been any decline in the revenues received by the railroad company at Pine Castle for the past few years, and it appears that the town of Pine Castle is growing and may need rail service in the future to a greater extent than is now needed. The Commission is of opinion that the applicant receives

sufficient revenue from the operation of this agency to require that it be maintained for the benefit of the area served.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of the Atlantic Coast Line Railroad Company for authority to close its agency at Pine Castle, Florida, be and the same is hereby **DENIED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 26th day of October, 1938.

ORDER NO. 1274,

DOCKET NO. 1351.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF ATLANTIC COAST LINE RAILROAD
COMPANY TO CLOSE ITS AGENCY AT SEVILLE, FLORIDA,
FROM JULY 1ST TO OCTOBER 1ST, 1938.

1. Pursuant to Notice No. 741 the above application came on for formal hearing before the Railroad Commission of the State of Florida at Orlando, Florida, on August 2, 1938. The following appeared:

J. P. Walker, General Superintendent and G. E. Rollins, Superintendent, represented the applicant.

V. O. Gardener, C. A. Byrd, O. W. Prevatt, W. R. Routh, A. M. Prevatt, E. Meyers and W. H. McBride represented protestants.

2. The Atlantic Coast Line Railroad Company applied for authority to close its agency at Seville, Florida, from July 1 to October 1, 1938. At the hearing this was broadened to include the month of June as well as July, August and September, and for every year rather than only for 1938. Seville is about forty miles north of Sanford. The nearest agencies are Pierson, which is 5.7 miles south, and Crescent City, which is seven miles north.

3. The figures presented by the applicant showed that for the twelve months ending March 31, 1938, the total revenue received from freight, passengers and miscellaneous revenues to and from this point amounted to \$7,185.59. This does not include any revenue received by the Railroad from express shipments although it was testified that express shipments from this point were heavy. The agent's salary for the year, which is the cost of maintaining the agency except for a few miscellaneous expenses, was shown to be \$1952.98. The total revenue for the four months

during which it is sought to close the agency was \$632.81, and the cost of operating the agency for these months was approximately the same amount.

4. Representatives of shippers who used this agency testified that the granting of this application would result in great inconvenience. The Commission is of opinion that the year-round revenue received from this station by the applicant is sufficient to require that the agency be maintained during the few months when business is slack. Those who furnished the railroad with profitable business during most of the year should not be deprived of the services of the carrier during the short time when shipments are few.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of the Atlantic Coast Line Railroad Company for authority to close its agency at Seville during the months of June, July, August and September be and the same is hereby **DENIED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 26th day of October, 1938.

ORDER NO. 1275.

DOCKET NO. 1359.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF RECEIVERS OF FLORIDA EAST COAST
RAILWAY FOR AUTHORITY TO CLOSE AGENCY AT DEER-
FIELD, FLORIDA, AND TO ESTABLISH AN AGENCY AT BOCA
RATON THROUGHOUT THE YEAR.

1. Pursuant to Notice No. 746 the above application came on for formal hearing before the Railroad Commission of the State of Florida at Miami, Florida, on August 8, 1938. The following appeared:

For the applicant—B. R. Coleman, C. L. Beals and D. Leer.

No appearances for protestants.

2. The applicant seeks authority to close its agency at Deerfield and to maintain a year-round agency at Boca Raton. At the present time the Boca Raton agency is open only during the winter tourist season while Deerfield is maintained all the time. Deerfield is located on the main line of the applicant about 38 miles north of Miami and Boca Raton is about 2½ miles north of Deerfield.

3. The testimony shows that revenue from the Deerfield agency has dropped considerably during the last few years; that the Seaboard Air Line agency at this point secures most of the business because located nearer to the produce growing area; that there is no prospect at the present time for an increase of business in the future. On the other hand the applicant does a large volume of business during the months that its Boca Raton agency is open, and it appears that of the two points the latter is the more logical for year-round service. The greater part, by far, of the traffic moving through the Deerfield agency is in carload lots, to handle which an agent is not needed. The proposed change will result in savings to the applicant of about \$500.00 annually. The Commission is of opinion that the applicant should be allowed to close its agency at Deerfield provided the one at Boca Raton is maintained the year-round.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of the Receivers of Florida East Coast Railway for authority to close their agency at Deerfield, Florida, and to establish an agency at Boca Raton throughout the year, be and the same is hereby **APPROVED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 26th day of October, 1938.

ORDER NO. 1276,

DOCKET NO. 1360.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF ATLANTIC COAST LINE RAILROAD COMPANY FOR AUTHORITY TO DISCONTINUE ITS AGENCY AT OCOEE, FLORIDA.

1. Pursuant to Notice No. 744 dated the 21st day of July, 1938, the above matter came on for formal hearing before the Railroad Commission of the State of Florida at the Angebilt Hotel, Orlando, Florida, on August 3rd, 1938. Then and there appeared the following:

J. P. Walker, General Superintendent, and G. E. Rollins, Superintendent, represented the applicant.

Lester Harris and V. O. Gardner appeared for protestants.

2. The applicant seeks authority to discontinue its agency at Ocoee, Florida, which is located on its line between Kissimmee and Apopka, about 24 miles north of Kissimmee and 9 miles south of Apopka. There is no other agency between Kissimmee and Apopka. Figures were pre-

sented showing that the total revenue accruing to the railroad at Ocoee for the year ending March 31, 1938, was \$1,094.47 while the cost of maintaining the agency (the agent's salary) for the same period was \$1,491.04. This figure does not include certain small incidental expenses.

3. The closing of this agency was opposed by representatives of shippers and growers not only in Ocoee but in the surrounding area which is a rich citrus and vegetable producing section. It appears that heavy produce shipments are made every year from this section over the railroad and that there are many sidings and non-agency stations near Ocoee the shipments of which are not reflected in the revenue figures for the Ocoee agency. However, Ocoee is the controlling agency for these nearby shipping points and the Ocoee agent performs agency service for these points and shippers from such points will be seriously inconvenienced if the agent is removed. The applicant did not present figures to show its total business in this area but the Commission is of the opinion that it is of sufficient volume to require the maintenance of the Ocoee agency. The testimony shows that in Ocoee itself there will probably be heavier shipments during the coming season than during the last year or two and that two new citrus packing houses are to be opened in the town. This is not a section where farming and industry are declining and the Commission feels that the reasonable needs of the shipping public require an agent at this point.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of the Atlantic Coast Line Railroad Company for authority to discontinue its agency at Ocoee, Florida, be and the same is hereby **DENIED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 27th day of October, 1938.

ORDER NO. 1277,

DOCKET NO. 1353.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF FLORIDA EAST COAST RAILWAY TO
CLOSE ITS AGENCY AT OJUS, FLORIDA.

1. Pursuant to Notice No. 743 the above matter came on for formal hearing before the Railroad Commission of the State of Florida at the Dade County Court House, Miami, Florida, on August 5, 1938. Then and there appeared the following:

B. R. Coleman and D. Leer appeared for the applicant.
Frank W. Ely represented the protestants.

2. The applicant seeks authority to close its agency at Ojus which is located on its main line about 10 miles north of Miami. The nearest agencies are Hollywood, 5 miles to the north, and Little River 7 miles to the south.

3. Approval of this application is sought because it is contended that an agent is not needed at this point; that most of the shipments are those of one large industry and are in carload lots for which an agent is not needed. It was shown that for the twelve month period ending with the month of April, 1938, the railroad's gross freight receipts at this agency were \$49,118.18, and that gross passenger, express and telegraph receipts for the same period amounted to \$2,257.91. The cost of operating the agency (the agent's salary) for the period was \$2,545.80.

4. Authority to close this agency had been granted by this Commission by Order No. 1151, effective July 1, 1933; the agency was closed until January 1934, at which time it was reopened and has remained open since. At the time it was ordered closed the agency produced only about \$30,000.00 in revenue for the railroad. Since that time business has improved and is likely to continue to improve at this point. This was testified to by shippers and growers in the area around Ojus who would be seriously inconvenienced by the closing of the agency. The Commission is of opinion that the railroad receives sufficient revenue from this point to require the maintenance of the agency in view of the public need for the services which the agent performs and the inconvenience to shippers and receivers of freight should the agency be closed.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of W. R. Kenan, Jr., and Scott M. Loftin as Receivers of the Florida East Coast Railway for authority to close their agency at Ojus, Florida, be and the same is hereby **DENIED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 1st day of November, 1938.

ORDER NO. 1278,

DOCKET NO. 1354.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF FLORIDA EAST COAST RAILWAY TO
CLOSE ITS AGENCY AT SOUTH MIAMI, FLORIDA.

1. Pursuant to Notice No. 743 the above mentioned matter came on for formal hearing before the Railroad Commission of the State of

Florida at the Dade County Court House, Miami, Florida, on August 5th, 1938. Then and there appeared the following:

B. R. Coleman, C. L. Beals, and D. Leer appeared for the applicant.

A. N. Spence appeared for the City of South Miami, protestants.

2. The applicant seeks authority to close its agency at South Miami, Florida, which is located about ten miles south of Miami. The nearest agencies are Coconut Grove about three miles north and Perrine about eight miles south. The Commission, by Order No. 1040, dated July 24, 1931, authorized the applicant to close this agency during the months of June through October. It is now sought to close it for the balance of the year.

3. The railroad contends that the small amount of L. C. L. shipments requiring the services of an agent do not justify the cost of maintaining an agent. The figures presented show that the gross freight receipts for shipments to and from this station for the year ending May 31, 1938, were \$21,113.02. Passenger revenue was almost nothing. The average revenue per month was \$1,744.49. The cost of operating the agency, the agent's salary, averaged \$140.46 per month for this period.

4. The Commission finds from the testimony that the public needs require the maintenance of this agency during the eight months it is now operated; that its closing will result in great inconvenience to patrons of the railroad in this section; and that the railroad receives sufficient revenue from this point so that the agency can be operated without loss. At the time Order No. 1040 was entered the applicant had received in gross revenue from this point \$15,279.00 for the previous year. Revenues have increased considerably since that time. There is no evidence that revenues from this point are declining at the present, but on the contrary it appears that this is a thriving farm area which is growing.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of the Receivers of the Florida East Coast Railway to close their agency at South Miami, Florida, be and the same is hereby **DENIED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 1st day of November, 1938.

ORDER NO. 1279,

DOCKET NO. 1362.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF ATLANTIC COAST LINE RAILROAD COM-
PANY TO CLOSE ITS AGENCY AT ORANGE PARK, FLORIDA

1. Pursuant to Notice No. 747 dated July 26, 1938, the above matter came on for formal hearing before the Railroad Commission of the State of Florida at the Mayflower Hotel, Jacksonville, Florida, on August 15, 1938. The following appeared:

F. B. Langley appeared for the applicant.

E. L. Meed and John A. Bliss, represented the Ferguson Estate; J. A. Ward and Harold Clayton appeared for the Johnson Estate; Dr. J. H. Elder for Yale University; Thomas Howell from Moose Haven—for protestants.

2. This applicant seeks authority to close the Atlantic Coast Line agency at Orange Park, Florida, which is located on its line fifteen miles south of Jacksonville and approximately the same distance north of Green Cove Springs, Florida. The application was protested by business men and citizens of the town of Orange Park and the surrounding area.

3. The applicant presented figures which show that the total revenue received by it from freight and passengers to and from this agency for the year ending March 31, 1938 was \$2,456.42, or an average revenue of \$204.70 per month. This monthly average is \$234.31 when the revenue for the months of April and May 1938 are included. The cost of operating the agency, or the agent's salary, for this period averaged \$134.15 per month. It was shown that this is the only agency on the applicant's line between Jacksonville and Green Cove Springs, and that there are five other non agency stations or sidings between these two points for which Orange Park is the governing agency and for which the agent at Orange Park is the nearest representative of the railroad who can serve the patrons of the railroad in this area. The total revenue received by the applicant from these non agency points for the year ending May 31, 1938 was \$27,483.69.

4. The protestants showed that the closing of this agency would result in great inconvenience to them in the handling of freight shipments and in the securing of convenient passenger service to and from Orange Park. It appears that there is considerable passenger travel by rail to and from this point but the revenue figures presented show only the revenue of tickets sold from Orange Park and not the revenue from tickets sold to Orange Park from other points. The Commission is of opinion that the transportation needs of the public in Orange Park and

surrounding area require the services of an agent at that point, and that the railroad receives sufficient revenue therefrom to justify the maintenance of the agency to meet this need.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of the Atlantic Coast Line Railroad Company for authority to close its agency at Orange Park, Florida, be and the same is hereby **DENIED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 1st day of November, 1938.

ORDER NO. 1280,

DOCKET NO. 1348.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

**IN RE: APPLICATION OF RAILWAY EXPRESS AGENCY, INC., TO
CLOSE ITS AGENCY AT MT. PLEASANT, FLORIDA.**

1. The above application came on for formal hearing before the Railroad Commission of the State of Florida pursuant to Notice No. 740 at Tallahassee, Florida, on July 26, 1938. The following appeared:

J. R. Hunter represented the applicant.

Dan Grubb, D. A. Avant and Amos H. Davis appeared for protestants.

2. The Railway Express Agency made application to the Railroad Commission on May 19, 1938, for authority to close its agency at Mt. Pleasant, Florida, which is located on the Seaboard Air Line Railway between Tallahassee and River Junction, 8.7 miles west of Quincy and 9.9 miles east of River Junction, the two points named being the nearest agencies to Mt. Pleasant, the application stated it was made upon advice that the Receivers of the Seaboard Air Line Railway were also applying to close their agency at Mt. Pleasant, and since this was a joint agency there was not enough business to justify the maintenance of an express agent only.

3. On June 2, 1938, this application was informally granted by the Commission without hearing. Subsequent to that date many protests against the closing of both the rail and the express agencies at Mt. Pleasant were received and the Commission set the matter down for hearing as stated above. The application of the Seaboard to close its agency at this point was heard at the same time and upon motion of counsel for the Seaboard. The hearing on this application was in-

definitely postponed pending further study by the Seaboard as to whether or not the closing of its agency was justified.

4. The hearing in the Express Agency application proceeded, however, and the applicant presented figures to show that the revenue it received from this point has been insufficient for the past two years to pay the agent the minimum of \$10.00 a month when the agent's commission is figured upon the customary 10% of the revenue. Shippers and receivers of freight in this area protested the granting of this application and testified that the closing of the agency would result in great inconvenience to them. The Commission is of opinion that there is public need for this transportation service in this area and that the closing of this agency should be denied at least until it is determined that the agency of the railroad at this point is no longer needed.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Railway Express Agency, Inc., for authority to close its agency at Mt. Pleasant, Florida, be and the same is hereby **DENIED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 1st day of November, 1938.

ORDER NO. 1281.

DOCKET NO. 1274.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
RELATING TO THE SAFETY, CARE, COMFORT, CONVENIENCE,
PROPER ACCOMMODATION AND TRANSPORTATION OF PAS-
SENGERS BY RAILROAD IN SLEEPING, PARLOR, CHAIR, DIN-
ING OR BUFFET CARS WITHIN THE STATE OF FLORIDA.

Pursuant to Order No. 1267, dated the 28th day of July, 1938, and after notice thereof had been given to all interested parties, including all railroads and the Pullman Company operating diners and pullmans in the State of Florida, this Commission held a hearing at the Seminole Hotel at Jacksonville, Florida, on August 16, 1938, at 10 o'clock A. M. for the purpose of determining whether or not Order No. 1217, as amended by Order No. 1228, each respectively, heretofore entered by this Commission, should be made effective and the substantial provisions thereof enforced.

The following interested parties were present at said hearing, and the railroads hereinafter named were present and represented by the persons hereinafter named, to-wit:

Hon. John W. Nourse, Passenger Traffic Manager, St. Louis-San Francisco Railway Company, St. Louis and W. H. Watson appearing for the Frisco System, protesting the enforcing of the order.

J. K. Bleaux and Harold B. Wahl, Esq., representing The Pullman Company, and Robert H. Anderson and J. D. Ingraham, representing the Receivers of the Florida East Coast Railway, protesting the enforcing of the order.

Hon. W. E. Kay, F. B. Langley, Superintendent of Transportation, Atlantic Coast Line and G. A. K. Sutton, Division Counsel; Guy V. Hickson, Superintendent Dining Car Service, Atlantic Coast Line Railroad, protesting the enforcing of the order.

Hon. W. L. Stanley, Chief Public Relations Officer, Seaboard Air Line Railway; W. J. Kenealy, General Passenger Agent, Mr. E. M. Tucker, Superintendent Dining Cars and Hon. W. J. Oven, District Counsel, appearing for the Seaboard Air Line Railway, protesting the enforcing of the order.

Hon. E. J. Hall, Division Counsel of the Southern Railway and G. S. & F. Railroad; C. C. Copp and C. G. Ashby, Assistant Division Counsel, and W. H. DuButts, General Passenger Agent, protesting the enforcing of the order.

In addition to the above and foregoing, Honorable Fred P. Cone, Governor of the State of Florida, was represented by:

Hon. Charles H. Murchison, present in the interest of enforcing said Order No. 1217, as amended by Order No. 1228.

Thereupon, numerous witnesses were called and testified. Qualified, competent, extensive testimony was introduced clearly evidencing the fact that unless Order No. 1217, as amended by Order No. 1228, was immediately made effective and the provisions thereof enforced, the safety, care, comfort, convenience, proper accommodation and transportation of passengers by railroad and sleeping, parlor, chair, dining and buffet cars within the State of Florida would be seriously jeopardized.

No testimony of any kind was introduced to contradict this testimony. The railroads and their counsel merely introduced testimony seeking to show the economic desirability of not having this order entered.

Based upon said testimony, and as the result of the hearing conducted as hereinabove set forth, it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Order No. 1217, as amended by Order No. 1228, heretofore entered by this Commission, be, and the same are hereby immediately made ef-

fective to the extent that from and after the effective date of this order no sleeping car, parlor car, or chair car shall be operated on any line of railroad in the State of Florida when occupied by passengers holding the proper transportation for the accommodation of such cars, unless such cars are continuously in charge of an employee or an authorized agent of the firm or corporation owning or operating the same having the rank and position of pullman conductor, and no dining car or buffet car shall be operated on any line of railroad in the State of Florida when occupied by passengers holding the proper transportation for the accommodation of such cars unless such cars are continuously in charge of an employee or an authorized agent of the firm or corporation owning or operating same having the rank of dining car steward; provided that one or more pullman cars in the same train may be in the custody or care of a pullman conductor.

It is further ORDERED that this order shall be and become effective on November 21, 1938.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 12th day of October, 1938.

ORDER NO. 1282.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN THE MATTER OF THE APPLICATION OF THE FLORIDA MATERIAL COMPANY, OF TAMPA, FLORIDA, FOR A REVISION OF THE RATINGS ON PEAT, MUCK, AND HUMUS, C. L., BETWEEN POINTS IN THE STATE OF FLORIDA.

Pursuant to Notice issued September 3rd, 1938, the above matters came on for formal hearing before the Railroad Commissioners of the State of Florida, at the Hotel Mayfair, in the City of Sanford, Florida, at 10 o'clock, A. M., on Tuesday, September 13th, 1938, and then and there appeared the following:

C. L. Anderson, Florida Material Company, Tampa, Fla.,
H. P. Toxey, Seaboard Air Line Railway, and L. A. Kienzle, Atlantic Coast Line Railroad.

All who desired to be heard were fully heard, under oath.

It developed from the testimony that a good many years ago, the Seaboard Air Line Railway voluntarily established arbitrary intrastate rates on Peat, Muck and Humus, C. L., from Meadows, Florida, to a limited destination territory on its line in the State of Florida, and later relative rates were established from Zellwood, Florida to the same desti-

nations. These rates were lower than the established Classification basis of 2/3 of class M.

Other roads in Florida maintained the Classification basis of 2/3 of Class M, which resulted on other roads than the Seaboard Air Line, higher rates to the same competitive points.

This resulted in discrimination against points on the Seaboard Air Line in Florida which did not have these lower rates, and a competitive hardship from points on roads other than the Seaboard Air Line, which points were compelled to pay higher rates.

Complainant's point of production is located between the lines of the Atlantic Coast Line and Seaboard Air Line. The shipping point for the A. C. L. is Seffner, Fla., and for the S. A. L. it is Brandon, Fla. The mine is about four miles from each of these stations, and the product has to be hauled to both of these roads.

Inasmuch as the low rates of the Seaboard Air Line only apply from Meadows and Zellwood, Florida, the higher rate of 75% of Class M applies from both Brandon and Seffner.

It is this discrimination on the part of the Seaboard Air Line, and this competitive hardship on account of the rates of the Atlantic Line, from which complainant is seeking relief.

Peat, Muck and Humus compete with Phosphatic Sand and Dolomite in that all of them are used as fertilizer filler.

Peat, Muck and Humus are of lighter weight than Phosphatic Sand or Dolomite and are of somewhat higher value.

Complainant asks: "The original rate I am asking for is the classification of our material within the same block on all of the railroads in the State of Florida to all points in Florida on the same basis as Colloidal Phosphate, Dolomite or Phosphatic Sand."

And now, on this date the Commissioners being fully advised in the premises, it is ORDERED as follows:

It is ORDERED that on and after the effective date of this Order the following scale of rates shall be applied by all Railroads doing an intrastate business in the State of Florida on PEAT, MUCK and HUMUS, (but not Peat Moss), in carloads, carload minimum weight 25 net tons:

DISTANCES.	PER TON OF 2000 POUNDS
5 miles and under	65
Not over 10 Miles	72
Not over 30 Miles	101

Not over 40 Miles	110
Not over 50 Miles	119
Not over 60 Miles	132
Not over 70 Miles	136
Not over 80 Miles	141
Not over 90 Miles	150
Not over 100 Miles	154
Not over 110 Miles	158
Not over 120 Miles	172
Not over 130 Miles	176
Not over 150 Miles	180
Not over 160 Miles	194
Not over 180 Miles	202
Not over 200 Miles	211
Not over 220 Miles	216
Not over 260 Miles	220

Rates in cents per ton of 2000 pounds.

This scale is figured to yield the same minimum car revenue on 25 tons of Peat Muck and Humus as is obtained from a 60,000 pound car of Dolomite, as per Seaboard Air Line Florida Local Tariff No. 9, Supplement AQ. Rates include Ex Parte 123 increases.

All present rates and ratings on Peat, Muck and Humus are canceled, and the above rates shall be used in their stead.

Rates over two or more lines to be constructed on combination, in connection with Rule 19 of our Freight Rules.

This Order shall take effect as to rates applying over single lines of Railroad under the same management and control on the 8th day of December, 1938, and as to rates over two or more lines of railroad not under joint management and control, this Order shall take effect on the 28th day of December, 1938.

DONE AND ORDERED by the Railroad Commissioners of the State of Florida in session at their office in the City of Tallahassee, Florida, this 26th day of November, 1938.

ORDER NO. 1283,

DOCKET NO. 1352.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

**IN RE: PETITION OF CITIZENS OF ORWIN MANOR, FLORIDA, FOR
EXTENSION OF ORLANDO TELEPHONE SERVICE INTO ORWIN
MANOR.**

1. Under Notice No. 742 dated July 14, 1938, notice was given Southern Bell Telephone & Telegraph Company and Winter Park Telephone

Company, and all other parties interested, that petition of citizens of Orwin Manor in Orange County, Florida, for Orlando telephone service into Orwin Manor would be heard by the Railroad Commission at the Angebilt Hotel, Orlando, Florida, on August 2, 1938, at 10 o'clock A. M.

Pursuant to said Notice this matter came on for formal hearing before the Railroad Commission at the Angebilt Hotel, Orlando, Florida, on August 2, 1938, and then and there appeared the following:

For applicant:

W. R. Verigan, Frank E. Snell, H. B. Shultz, K. W. Bouldin, Mrs. Howard Reynolds, Mrs. Homer Bishop, Robert E. Dittrich, Mrs. N. P. Pehrsson, H. A. Dougherty, George Smith, W. S. Wynn and Senator Walter W. Rose.

For Telephone Companies:

Victor Powe, M. L. Barr, J. A. Mooneyham and Joe K. Galloway.

2. The residents of Orlando, Florida, are provided telephone service from the Orlando Exchange of the Southern Bell Telephone & Telegraph Company. The residents of Winter Park, Florida, are provided service from the exchange of the Winter Park Telephone Company. These two exchanges are located approximately six miles apart and the boundaries of their local service areas are contiguous, although the boundaries of their respective base rate areas are some distance apart. Certain residents in the Winter Park local service area outside of the Winter Park base rate area and near the local service area boundary have petitioned this Commission to grant to them local service from the Orlando Exchange to be furnished by Southern Bell Telephone & Telegraph Company. Most of these residents reside in what is known as Orwin Manor, that is to say, they reside in that territory which is bounded on the east by Buckingham Road; on the North by Harmon Street; on the West by Clay Street and on the South by the northern boundary of the city limits of Orlando. This territory is not embraced within the corporate limits of either Orlando or Winter Park. This area was included within the limits of Winter Park on or about the year 1925 when most of the cities of that section were extending their limits and naturally became a part of and was served by the utilities authorized to serve Winter Park.

Sometime during the year 1935 the Supreme Court of Florida declared the Act extending the city limits of Winter Park to be unconstitutional, and as a result, the city limits of Winter Park automatically reverted to the limits that embraced the city prior to 1925. This decision of the Court left this particular area outside of the city limits of Winter Park and since it was not included in the limits of Orlando it became, what might be called "No Man's Land" so far as telephone service is concerned. The Winter Park Telephone Company is now equipped to

serve in this area and is serving and offering telephone service to residents, whereas the Southern Bell Telephone & Telegraph Company has never entered this area because in the first place it had no franchise to operate within the corporate limits of Winter Park, and since the territory has been thrown out of the Winter Park area the Southern Bell Telephone & Telegraph Company has not sought to invade a territory that was being served by the Winter Park Telephone Company.

3. A large number of the residents of this area have petitioned the Railroad Commission to permit service to be given them from the Orlando Exchange in view of the fact that many of them are engaged in business in Orlando and their principal interests are in Orlando and they prefer the Orlando telephone service to the Winter Park service. Under the present situation they can, of course, secure Orlando service but in order to do that they must pay a toll charge of 10c for each call which they make to Orlando and outside the area of Winter Park in addition to the Winter Park exchange rate. The testimony indicates that there are thirty-two houses in the described territory and that the Winter Park Telephone Company have a total of fifteen telephones installed there. The petitions and the testimony seem to indicate that eleven of those who now have Winter Park telephones desire Orlando service and that only four desire to retain the Winter Park service. This was disputed by the Winter Park Telephone Company who claimed that ten of the fifteen desired to retain the Winter Park service, although the company was unable to produce them as witnesses at this hearing.

4. The Winter Park Telephone Company protested very vigorously the invasion of its territory by the Southern Bell Company. It claimed that it had equipment in this territory and that the cost in place of the equipment, less depreciation, was \$1130.95, and that if this equipment had to be removed that the net loss to the company would be \$800.00. It further claimed that a great majority of those who now have telephone service connected with the Winter Park Telephone Company were satisfied with this service and would not change even though they were permitted to have Orlando service.

5. Under ordinary conditions this Commission would not approve competitive telephone service, as betterment of service and reduction of rates cannot be reached under such circumstances. Duplication of investments must necessarily result in higher rates to the public, and, in the case of telephone service, dual systems impose burdens upon the public in requiring the public desiring to reach all telephone subscribers to have to pay for two telephones. However, the instant case is peculiar in that the territory is small and located about as near to one telephone service as to the other, and the investment of the operating company is small, and if the operating company retains a majority of the present subscribers, as it claims it will, its loss, if any will be negligible, and the

preponderance of the evidence indicates that a majority of the telephone subscribers in this particular territory are handicapped by lack of Orlando service.

Upon full consideration of the conditions involved in this case, the Commission is of opinion that those telephone subscribers located in this particular area who desire Orlando service, and are willing to pay the higher Orlando rate, should be permitted to have this service.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the Southern Bell Telephone Company be and it is hereby **ORDERED** to furnish telephone service to the residents of that portion of **ORWIN MANOR** described as:

THE TERRITORY BOUNDED ON THE EAST BY BUCKINGHAM ROAD; ON THE NORTH BY HARMON STREET; ON THE WEST BY CLAY STREET AND ON THE SOUTH BY THE NORTHERN BOUNDARY OF THE CITY LIMITS OF ORLANDO,

upon proper application made to it by said residents under the rates and rules as provided for in the tariff governing exchange rates in Orlando Florida.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 8th day of November, 1938.

ORDER NO. 1284,

DOCKET NO. 1368.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: PETITIONS OF C. B. RHODES, AGENT, SOUTHERN PASSENGER AGENT FOR ALL LINES, AND J. D. RAHNER, PASSENGER AGENT, F. E. C. RAILWAY, ON BEHALF OF RAIL LINES NAMED BELOW, FOR AUTHORITY TO REDUCE PASSENGER FARES, IN COACHES, BETWEEN POINTS IN THE STATE OF FLORIDA TO APPROXIMATELY ONE AND FIVE-TENTHS (1.5) CENTS PER MILE.

The coach fares by railroad in Florida are at the present time, by order of this Commission approximately two cents per mile.

Under the petitions referred to above, application is made for authority to reduce Coach fares in Florida to approximately 1½c per mile over the following Railroads:

Atlantic Coast Line Railroad Company.
Florida East Coast Railway Company.

Fort Myers Southern Railroad Company.
Jacksonville, Gainesville & Gulf Railway.
Louisville & Nashville Railroad Company.
Seaboard Air Line Railway Company.
Southern Railway Company.
Georgia, Southern & Florida Railway Company.
Tampa Southern Railroad Company.
Tavares & Gulf Railroad Company.

The St. Louis-San Francisco Railway Company and the South Georgia Railway Company do not apply for reduction in their present coach fares except to meet competition of other carriers who do reduce their coach fares to 1½c per mile.

Now on this date the Commissioners being fully advised in the premises, it is ORDERED that the petitions of Mr. J. D. Rahner, under his file RD; 205, dated December 27, 1938 and of Agent C. B. Rhodes, under his file C-5203, dated December 24th, 1938, which are identical, be, and they are hereby approved as made, the new fares to be published thereunder to become effective on January 15, 1939, on 10 days notice to the public and this Commission.

DONE and ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 28th day of December, 1938.

ORDER NO. 1285.

DOCKET NO. 1308.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
RATES ON BITUMINOUS COAL BETWEEN POINTS IN FLORIDA.

Whereas, under date of December 14, 1938, all common carriers by Railroad operating in the State of Florida, through their Attorneys, Hon. F. W. Gwathmey, Hon. E. A. Smith, Hon. W. N. McGhee and Hon. W. A. Northcutt, filed a petition with this Commission asking us to modify our Order No. 1248 of May 25th, 1938, so as to authorize the publication and filing in simple form of tariff schedules effective December 31, 1938 on less than statutory notice to the Commission and to the public, continuing in effect after December 31, 1938, the present rates on BITUMINOUS COAL, C. L., between points in the State of Florida, and until further Order of this Commission.

The Commissioners being fully advised in the premises, it is ORDERED that our Order No. 1248, of May 25, 1938, be and it is hereby modified so as to continue in effect the present rates on Bituminous Coal, C. L., between points in Florida until further Order of this Commission.

DONE and ORDERED by the Railroad Commissioners of the State of Florida in session at their office in the City of Tallahassee, Florida, this 28th day of December, 1938.

**Motor Transportation
Department**

MOTOR TRANSPORTATION DEPARTMENT

During the calendar year 1938 the Commission had an average of thirteen inspectors whose duties included the enforcement of provisions of the Florida Motor Transportation Act. During that period the inspectors made 238 arrests, of which there were 190 convictions; 26 cases were dismissed, and 22 are now pending. The inspectors during the same period traveled 281,778 miles in the performance of their duties.

**DIGEST OF APPLICATIONS FILED WITH THE
RAILROAD COMMISSION 1938****Granted Denied Dismissed**

Applications for common carrier certificate.....	5	3	
Applications for contract carrier certificate.....	6	1	
Applications for extension of certificate.....	6	3	
Applications for transfer of certificate.....	5	1	
Applications for change of schedule	3		1
Citations for violations			80
Applications for change of name	2		
Applications for limited common carrier certificate	3	2	
Revision of Rules of Commission	1		

CERTIFICATES AND PERMITS IN EFFECT:

Common carrier Certificates	53
Contract carrier Certificates	28
Special Permits	24
Passenger Permits	159
Certificate of Registration	51
Limited Common Carriers	77

**NUMBER OF PIECES OF EQUIPMENT LISTED
WITH THE COMMISSION**

Common	778
Contract	251
Permit	842
Certificate of Registration	259

PERMITS GRANTED IN 1938

PERMIT NO. 382—Granting Permit to Alfred Dampfhofer, West Palm Beach, Florida, to transport passengers for hire, January 24, 1938.

PERMIT No. 383—Granting Permit to W. R. Durham, West Palm Beach, Florida, to transport passengers for hire, January 24, 1938.

PERMIT No. 384—Granting Permit to George T. Rollings, Jacksonville, Florida, to transport passengers for hire, January 26, 1938.

PERMIT No. 385—Granting Permit to Sarasota Transit, Sarasota, Florida, to transport passengers for hire, January 11, 1938.

PERMIT No. 386—Granting Permit to Harry C. Rich, Hollywood, Florida, to transport passengers for hire, January 19, 1938.

PERMIT No. 387—Granting Permit to William R. Pritchard, Miami, Florida, to transport passengers for hire, January 18, 1938.

PERMIT No. 388—Granting Permit to Robert A. Statham, West Palm Beach, Florida, to transport passengers for hire, January 18, 1938.

PERMIT No. 389—Granting Permit to Henry Youngblood, Clearwater, Florida, to transport passengers for hire, January 18, 1938.

PERMIT No. 390—Granting Permit to L. Rappaport, Miami, Florida, to transport passengers for hire, January 18, 1938.

PERMIT No. 391—Granting Permit to Randolph Livingston, West Palm Beach, Florida, to transport passengers for hire, January 18, 1938.

PERMIT No. 392—Granting Permit to Mark Menna, Jacksonville, Florida, to transport passengers for hire, January 18, 1938.

PERMIT No. 393—Granting Permit to George Foster, Winter Park, Florida, to transport passengers for hire, December 29, 1938.

PERMIT No. 394—Granting Permit to Robert James Reed, Jacksonville, Florida, to transport passengers for hire, January 11, 1938.

PERMIT No. 395—Granting Permit to W. John Stenroos, West Palm Beach, Florida, to transport passengers for hire, January 11, 1938.

PERMIT No. 396—Granting Permit to Frederick W. Cameron, St. Petersburg, Florida, to transport passengers for hire, January 11, 1938.

PERMIT No. 397—Granting Permit to Samuel Cohen, Miami Beach, Florida, permit for transporting passengers for hire, January 8, 1938.

PERMIT No. 398—Granting Permit to Joe Rubin, Miami Beach, Florida, to transport passengers for hire, January 7, 1938.

PERMIT No. 399—Granting Permit to Dallas K. Bower, Winter Park, Florida, to transport passengers for hire, January 7, 1938.

PERMIT No. 400—Granting Permit to Mildred A. Pitman, West Palm Beach, Florida, to transport passengers for hire, January 7, 1938.

PERMIT No. 401—Granting Permit to Tom H. Blowers, Jacksonville, Florida, to transport freight (fresh food stuffs) to camps listed as fol-

lows: 1. Olustee (2 camps) 1 camp three miles from city limits; one camp ten miles from city limits off highway. 2. Starke (1 camp) go to Keystone Heights, then ten miles into woods. 3. Ocala (1 camp) 26 miles out from Ocala and mile off of highway. 4. Hilliard (1 camp) Two or three miles from Hilliard, on highway. 5. Fernandina (1 camp) about two miles out from Fernandina, Florida, January 7, 1938.

PERMIT No. 402—Granting Permit to Frank E. Wells, St. Augustine, Florida, to transport passengers for hire, January 7, 1938.

PERMIT No. 403—Granting Permit to Frederick B. Zittell, Jr., West Palm Beach, Florida, to transport passengers for hire, January 7, 1938.

PERMIT No. 404—Granting Permit to J. A. Sapp, West Palm Beach, Florida, to transport passengers for hire, January 7, 1938.

PERMIT No. 405—Granting Permit to W. H. DaCamara, West Palm Beach, Florida, to transport passengers for hire, January 7, 1938.

PERMIT No. 406—Granting Permit to G. S. MacGowan, West Palm Beach, Florida, to transport passengers for hire, January 7, 1938.

PERMIT No. 407—Granting Permit to H. R. Criswell, Miami Beach, Florida, to transport passengers for hire, January 7, 1938.

PERMIT No. 408—Granting Permit to Patterson Motor Company, Clearwater, Florida, to transport passengers for hire, February 15, 1938.

PERMIT No. 409—Granting Permit to Elkin M. Adelson, Miami Beach, Florida, to transport passengers for hire, February 14, 1938.

PERMIT No. 410—Granting Permit to Hector DuFour, West Palm Beach, Florida, to transport passengers for hire, February 9, 1938.

PERMIT No. 411—Granting Permit to Paul K. Frakes, St. Petersburg, Florida, to transport passengers for hire, February 5, 1938.

PERMIT No. 412—Granting Permit to C. Elwood Franklin, Lake Worth, Florida, to transport passengers for hire, February 4, 1938.

PERMIT No. 413—Granting Permit to H. B. Blazer, Jr., Punta Gorda, Florida, to operate as a "For Hire" carrier in occasional trips serving regular customers for whom he hauls as a local transfer and incidental to such hauling, February 4, 1938.

PERMIT No. 414—Granting Permit to Michael Sirota, Miami Beach, Florida, to transport passengers for hire, January 31, 1938.

PERMIT No. 415—Granting Ocala Dime Taxi Company, Inc., Ocala, Florida, permit to transport passengers for hire, January 29, 1938.

PERMIT No. 416—Granting Permit to Frank Headland, Palm Beach, Florida, permit to transport passengers for hire, January 29, 1938.

PERMIT No. 417—Granting Permit to Ben Axelrod, Palm Beach, Florida, to transport passengers for hire, January 29, 1938.

PERMIT No. 418—Granting Permit to Ray Crum, West Palm Beach, Florida, to transport passengers for hire on January 29, 1938.

PERMIT No. 419—Granting Permit to Theodore Spies, Palm Beach, Florida, to transport passengers for hire on March 4, 1938.

PERMIT No. 420—Granting Permit to Earl H. Slaick, Hollywood, Florida, to transport passengers for hire, February 28, 1938.

PERMIT No. 421—Granting Permit to Charles W. Carr, Daytona Beach, Florida, to transport passengers for hire on February 22, 1938.

PERMIT No. 422—Granting Permit to James Wilburn, West Palm Beach, Florida, to transport passengers for hire on February 28, 1938.

PERMIT No. 423—Granting Permit to Seeley P. Mount, Miami Beach, Florida, to transport passengers for hire on March 3, 1938.

PERMIT No. 424—Granting Permit to Jack M. Walrad, Palm Beach, Florida, to transport passengers for hire on March 29, 1938.

PERMIT No. 425—Granting Permit to J. W. Conner and Sons, Tampa, Florida, to transport under contract for the Florida Power Corporation, heavy cable and other electrical equipment to various points on line of Florida Power Corporation, March 29, 1938.

PERMIT No. 426—Granting Permit to W. A. Armstrong d/b/a Tri City Cab Company, Bradenton, Florida, to transport passengers for hire, March 21, 1938.

PERMIT No. 427—Granting Permit to J. Earl Johnson, West Palm Beach, Florida, to transport passengers for hire on March 21, 1938.

PERMIT No. 428—Granting Permit to John Luterman, Sarasota, Florida, to transport passengers for hire on June 1, 1938.

PERMIT No. 429—Granting Permit to Frederick Spuck, Miami Beach, Florida, to transport passengers for hire on May 27, 1938.

PERMIT No. 430—Granting Permit to Diamond Cabs, Inc., Tampa, Florida, to transport passengers for hire on occasional unsolicited trips over the highways of the State if Florida on July 7, 1938.

PERMIT No. 432—Granting Permit to Harry L. Villemange, Miami Beach, Florida, to transport passengers for hire on August 31, 1938.

PERMIT No. 433—Granting Permit to San Juan Auto Service, Inc., Orlando, Florida, to transport passengers for hire on September 26, 1938.

PERMIT No. 433-A—Granting Permit to J. R. Strickland, St. Cloud, Florida, to transport passengers for hire on July 29, 1938.

PERMIT No. 434—Granting Permit to Edmund Fox, Jacksonville, Florida, to transport passengers for hire on November 8, 1938.

PERMIT No. 435—Granting Permit to J. T. Callery, Miami Beach, Florida, to transport passengers for hire on November 8, 1938.

PERMIT No. 436—Granting Permit to A. L. Anderson, Clearwater, Florida, to transport passengers for hire on November 8, 1938.

PERMIT No. 437—Granting Permit to Century Cab Company, Miami Beach, Florida, to transport passengers for hire, November 19, 1938.

PERMIT No. 438—Granting Permit to Stanley Yasner, Miami Beach, Florida, to transport passengers for hire, November 28, 1938.

PERMIT No. 439—Granting Permit to James L. Trotter, Ocala, Florida, to transport passengers for hire, November 28, 1938.

PERMIT No. 440—Granting Permit to Richard Charles Fulton, St. Augustine, Florida, to transport passengers, December 3, 1938.

PERMIT No. 441—Granting Permit to Edwin T. Muller, 1310 Avenue "A", West Palm Beach, Florida, to transport passengers for hire, December 9, 1938.

PERMIT No. 442—Granting Permit to James C. Williams, West Palm Beach, Florida, to transport passengers for hire, December 9, 1938.

PERMIT No. 443—Granting Permit to Truman E. Allison, West Palm Beach, Florida, to transport passengers for hire, December 9, 1938.

PERMIT No. 444—Granting Permit to Ralph R. Martin, Palm Beach, Florida, to transport passengers for hire, December 9, 1938.

PERMIT No. 445—Granting Permit to Fletcher P. King, West Palm Beach, Florida, to transport passengers for hire, December 9, 1938.

PERMIT No. 446—Granting Permit to Randolph Livingston, West Palm Beach, Florida, to transport passengers for hire, April 1, 1938.

PERMIT No. 447—Granting Permit to L. T. Davison, Palm Beach, Florida, to transport passengers for hire, December 16, 1938.

PERMIT No. 448—Granting Permit to Ralph Henry Seamon, Miami Beach, Florida, to transport passengers for hire, December 17, 1938.

PERMIT No. 449—Granting Permit to John Storjohan, Winter Park, Florida, to transport passengers for hire, December 23, 1938.

PERMIT No. 450—Granting Permit to H. M. McCloy, West Palm Beach, Florida, to transport passengers for hire, December 23, 1938.

PERMIT No. 451—Granting Permit to W. H. DaCamara, West Palm Beach, Florida, to transport passengers for hire, December 23, 1938.

PERMIT No. 452—Granting Permit to William Frosch, West Palm Beach, Florida, to transport passengers for hire on December 23, 1938.

PERMIT No. 453—Granting Permit to James Thomerson Ellis, Winter Park, Florida, to transport passengers for hire, December 27, 1938.

PERMIT No. 454—Granting Permit to Charlotte Eskrigge, Hollywood, Florida, to transport passengers for hire, December 30, 1938.

PERMIT No. 455—Granting Permit to William G. Pezzulli, St. Petersburg, Florida, to transport passengers for hire, December 30, 1938.

PERMIT No. 456—Granting Permit to Meyer Wallenstein, Miami Beach, Florida, to transport passengers for hire, December 31, 1938.

PERMIT No. 457—Granting Permit to Eugene J. LeCompte, West Palm Beach, Florida, to transport passengers for hire, December 30, 1938.

LIST OF PERMITS CANCELLED IN 1938:

Fulford Baggage and Cab Company, Orlando, Florida, July, 15, 1938.

Elmer Horn, West Palm Beach, Florida, March 15, 1938.

James R. Willson, Palm Beach, Florida, April 1, 1938.

John F. Bass, Green Acres City, Florida, March 20, 1938.

J. T. Havens, Palm Beach, Florida, July 6, 1938.

C. L. Armstrong, West Palm Beach, Florida, February 25, 1938.

Henry J. Clich, St. Petersburg, Florida, February 22, 1938.

William Charles Kroha, West Palm Beach, Florida, February 15, 1938.

R. R. Brown, Orlando, Florida, September 26, 1938.

Joseph J. Woodward, Ft. Lauderdale, Florida, May 1st, 1938.

City Storage Garage, Winter Park, Florida, January 20, 1938.

Charlotte Eskriggs, Hollywood, Florida, June 18, 1938.

Brooks Wise, West Palm Beach, Florida, July 1st, 1938.

Joseph J. Farrell, Miami Beach, Florida, April 12, 1938.

John Baumgartner, St. Petersburg, Florida, September 18, 1938.

Fernando Gabeza, Miami, Florida, May 17, 1938.

Mrs. Liona Virginia Odell, Mt. Dora, Florida, December 9, 1938.

William Ellis Connell, Manatee, Florida, November 10, 1938.

A. Carlstrom, West Palm Beach, Florida, April 29, 1938.

Curtis Thompson, Bradenton, Florida, June 18, 1938.

- Cecil F. Maus, Sarasota, Florida, February 15, 1938.
A. F. Stevens, West Palm Beach, Florida, November 10, 1938.
James R. Guthrie, St. Petersburg, Florida, June 18, 1938.
L. E. Metzger, Fernandina, Florida, February 15, 1938.
E. L. Kent, Live Oak, Florida, September 29, 1938.
Arthur H. Tarbell, Pine Castle, Florida, May 5, 1938.
Milton B. Kent, Lake City, Florida, February 16, 1938.
C. L. Davis, Live Oak, Florida, January 24, 1938.
City Cab Company, Plant City, Florida, July 11, 1938.
G. M. Campbell and C. W. Mays, Pineapple Avenue, Sarasota, Florida, March 8, 1938.
Century Cab Company, Miami Beach, Florida, April 18, 1938.
Edmund Fox, Jacksonville, Florida, July 6, 1938.
Edwin T. Muller, West Palm Beach, Florida, April 1st, 1938.
Pan American Sightseeing Tours, Miami, Florida, May 31, 1938.
Joseph F. Cook, St. Petersburg, Florida, April 4, 1938.
T. Z. Godbold, Lake City, Florida, March 7, 1938.
Alfred H. Dampfhofer, West Palm Beach, Florida, April 1st, 1938.
Robert A. Statham, West Palm Beach, Florida, April 8, 1938.
Henry Youngblood, Clearwater, Florida, May 18, 1938.
Randolph Livingston, West Palm Beach, Florida, April 1st, 1938.
Mark Menna, Jacksonville, Florida, July 1st, 1938.
Robert James Reed, Jacksonville, Florida, March 3, 1938.
W. John Stenroos, West Palm Beach, Florida, April 1st, 1938.
Fredrick W. Cameron, St. Petersburg, Florida, February 14, 1938.
Frank E. Wells, St. Augustine, Florida, April 23, 1938.
Frederick B. Zittell, Jr., West Palm Beach, Florida, April 4, 1938.
J. A. Sapp, Jr., West Palm Beach, Florida, April 30, 1938.
W. H. DaCamara, West Palm Beach, Florida, April 22, 1938.
H. R. Criswell, Miami Beach, Florida, March 26, 1938.
Z. H. Patterson, Clearwater, Florida, April 28, 1938.
Hector DeFour, West Palm Beach, Florida, March 29, 1938.
Paul K. Frakes, St. Petersburg, Florida, May 1st, 1938.
C. Elwood Franklin, Lake Worth, Florida, April 19, 1938.
Ben Axelrod, Palm Beach, Florida, March 17, 1938.
Ray Crum, West Palm Beach, Florida, April 1st, 1938.
Theodore Spies, Palm Beach, Florida, April 21, 1938.
James Wilburn, West Palm Beach, Florida, April 1st, 1938.
W. A. Armstrong d/b/a Tri City Cab Company, Bradenton, Florida, June 13, 1938.
J. R. Strickland, St. Cloud, Florida, October 27, 1938.

COMMON CARRIERS

B—Denotes Bus

T—Denotes Truck

- | | |
|--|--|
| B—Atlantic Greyhound Corp.
601 Virginia St.,
Charleston, W. Va. | B—Florida Motor Lines Corp.,
1020 Barnett Nat'l Bank Bldg.,
Jacksonville, Florida. |
| T—Atlantic Coast Line R. R. Co.,
Port Tampa, Florida. | T—Five Transportation Co.,
301 Gloucester St.,
Brunswick, Georgia. |
| T—Akins, W. L. Transpt., Inc.,
1418 W. Church St.,
Jacksonville, Florida. | B—Green, Mrs. Aileen,
DeLand, Florida. |
| T—Acme Freight Lines., Inc.,
141 Davis St.,
Jacksonville, Florida. | T—Green Bros. Transfer Co.,
Box 52,
Clearwater, Florida. |
| T—Brown Motor Freight Lines,
Inc.,
Foot of Newman St.,
Jacksonville, Florida. | B—Georgia Stages, Inc.,
Albany, Georgia. |
| T—Bee Line Transfer Co.,
237 So. Water St.,
Tampa, Florida. | T—Great Southern Trucking Co.,
1961 Clarkson St. ,
Jacksonville, Florida. |
| T—C. & H. Transfer & Stg. Co.,
Ft. Lauderdale, Florida. | B—Gulf Coast Motor Lines, Inc.,
Tampa, Florida. |
| T—Chartman Transfer Co.,
Thomasville, Georgia. | B—Gator Motor Lines,
St. Augustine, Florida. |
| T—Central Truck Line, Inc.,
405 Eunice St.,
Tampa, Florida. | T—Hunt Truck Line,
302 N. Jefferson Ave.,
Tampa, Florida. |
| B—Ft. Myers Transit Co.,
Ft. Myers, Florida. | T—Highway Transportation Co.,
Blountstown, Florida. |
| T—Florida East Coast Railway
Company,
St. Augustine, Florida. | T—Independent Transfer Co.,
1212 New Castle St.,
Brunswick, Georgia. |
| T—Fogarty Bros. Transfer Co.,
Inc.,
824 12th Ave.,
Bradenton, Florida. | T—K. & L. Transport Co., Inc.,
802 Ava St.,
Waycross, Georgia. |
| | B—Kettner, Mary M.,
127 Sea Spray Ave.,
West Palm Beach, Florida. |

- T—L. & L. Freight Lines, Inc.,
1418 Church St.,
Jacksonville, Florida.
- B—Lees Coach Lines,
Marianna, Florida.
- B—Miller, James Oliver,
St. Augustine, Florida.
- B & T—McJunkin, Wayne F.,
Box 194,
Fernandina, Florida.
- B—Monroeville Bus Co.,
Monroeville, Alabama.
- B—Myers, Fred W.,
1161 N. W. 2nd St.,
Miami, Florida.
- T—Matthews, D. H. Truck Line,
259 N. W. 4th St.,
Miami, Florida.
- T—Marshall, Henry,
Ft. Lauderdale, Florida.
- T—Overseas Transp. Co., Inc.,
228 S. W. N. River Dr.,
Miami, Florida.
- T—Peters Truck Line,
186 W. King St.,
St. Augustine, Florida.
- T—Pittman Truck Line,
Pensacola, Florida.
- B—Rooks, H. O.,
Bristol, Florida.
- B—Redd, Henry J.,
Tallahassee, Florida.
- T&B—Seaboard Air Line Ry. Co.,
Norfolk, Va.
- T—St. Johns River Line Co.,
Ft. Ocean St. W.,
Jacksonville, Florida.
- B—Southeastern Greyhound
Lines, Inc.,
67 Ellis St. E.,
Atlanta, Georgia.
- T&B—St. Andrews Bay Transp.
Co.,
Panama City, Florida.
- T—Star Truck Line,
230 S. Water St.,
Tampa, Florida.
- B—Seminole Coach Company,
St. Augustine, Florida.
- B—Southern Tours, Inc.,
25 4th St. N.,
St. Petersburg, Florida.
- B—Town of Pass-a-Grille,
Pass-a-Grille, Florida.
- B—Teche Lines, Inc.,
400 N. Rampart St.,
New Orleans, La.
- T—Tarpon Truck Line,
Tarpon Springs, Florida.
- T&B—Tamiami Trail Tours, Inc.,
P. O. Box 1075,
Tampa, Florida.
- T—University City Transfer,
226 W. Main St. South,
Gainesville, Florida.
- B—Union Bus Co.,
124 Jefferson St.,
Jacksonville, Florida.
- T—Union Express Frt. Co.,
N. W. Corner Commerce &
Conti. Streets,
Mobile, Alabama.
- T—Walters, C. A.,
Elfers, Florida.

CONTRACT CARRIERS

Blue's Truck Line, Inc.,
Live Oak, Florida.

Burgess, Arthur S.,
Ocala, Florida.

Cox, Percy,
597 N. W. 69th St.,
Miami, Florida.

Coats Motor Transfer Co.,
Ft. Pierce, Florida.

Cooper Truck Line,
Rt. 5, Box 94,
Jacksonville, Florida.

Creeden, G. J.,
Orlando, Florida.

Curran, D. J.,
Jacksonville, Florida.

Florida Highway Express Co.,
Madison & Brush Sts.,
Tampa, Florida.

Goodell Bros. Truck Line,
Lake City, Florida.

Green Transfer Co.,
P. O. Box 52,
Tampa, Florida.

Gooding, J. M.,
Woodbine, Georgia.

Holstun & Sons,
Ocala, Florida.

James, Mrs. Susie G.,
7606 Nebraska Ave.,
Tampa, Florida.

Kelley, J. J.,
Orlando, Florida.

O'Steen, N. B.,
High Springs, Fla.

Peterson, L. L.,
Lakeland, Florida.

National Convoy & Trucking Co.,
Box 781,
Jacksonville, Florida.

Newhall, John E.,
Standard Oil Plant No. 1,
Tampa, Florida.

Nutt, John P. Corp.,
P. O. Box 667,
Jacksonville, Florida.

Petroleum Carriers Corp.,
Jacksonville, Florida.

Ryder Trucking Co.,
93 N. E. 20th St.,
Miami, Florida.

Ridgeway Transfer Co., Inc.,
Daytona Beach, Florida.

Robinson Transfer,
641 N. Lexington Ave.,
Orlando, Florida.

Port Everglades Terminal Co.,
Ft. Lauderdale, Florida.

Smith, E. S.,
Jacksonville, Florida.

Terminal Transfer Co.,
Care A. & P. Tea Co.,
Jacksonville, Florida.

Warehouse, Inc.,
Tampa, Florida.

Yarnall Warehouse,
Lakeland, Florida.

LIMITED COMMON CARRIERS

(HOUSEHOLD GOODS)

Abb's Transfer & Service Co., 700 N. Conception St., Mobile, Alabama.	City Transfer Co., Inc., Box 2870, Tampa, Florida.
Armstrong & Sons Stg. Co., Daytona Beach, Florida .	Colliers Terminal Whse. & Van Company, Ocala, Florida.
Areo Mayflower Transfer Co., 1231 N. Meridian Ct., Indianapolis, Ind.	Coats Motor Truck, Ft. Pierce, Florida.
Arrow Transfer Co., Tampa, Florida.	Central Transfer & Stg., St. Petersburg, Florida.
Ace Transfer, 842 1st Ave. N., St. Petersburg, Florida.	Caldwell Bonded Warehouse, Inc., 101 12th St., Tampa, Florida.
Arnold & Son Transfer & Stg., 2600 W. Broadway, Louisville, Ky.	Chastain Transfer Co., 130 E. Jackson St., Thomasville, Georgia.
Blocker Tr. and Stg. Co., St. Petersburg, Florida.	Cordell, Henry Elmer, Sanford, Florida.
Burgess, Arthur S., Ocala, Florida.	Dickinson, W. A. Transfer, 2335 N. Miami Ave., Miami, Florida.
Burnham Furniture Co., Columbus, Georgia.	Dow, Maurice, Melbourne, Florida.
Burgess Transfer, Ocala, Florida.	Delcher Bros. Stg. Co., Inc., Jacksonville, Florida.
Brandon Transfer & Stg., 322 6th St., West Palm Beach, Florida.	DeLoach, S. L., New Smyrna, Florida.
Branch, Harley T., Orange City, Florida.	Dothan Transfer, Dothan, Alabama.
Cruikshank Motor Truck Service, Jacksonville, Florida.	Esthur, Arthur E., Sarasota, Florida.
C. & H. Transfer & Stg. Co., Ft. Lauderdale, Florida.	Flash Express & Stg. Co., Inc., 251 South West 1st Court, Miami, Florida.

Fidelity Stg. & Whse. Co.,
53-61 W. Jackson St.,
Orlando, Florida.

Ferris Warehouse & Stg. Co.,
Pensacola, Florida.

Fulford Van & Stg. Co.,
21 W. Central Ave.,
Orlando, Florida.

Franklin's Transfer,
P. O. Box 1983,
Ft. Myers, Florida.

Grubb, Paul Claude,
2054 Main St.,
Jacksonville, Florida.

Goodall Transfer & Stg. Co.,
Box 549,
Tampa, Florida.

Green Transfer Co.,
1102 Ashley St.,
Tampa, Florida.

Green, Alee,
DeLand, Florida.

Harrell Transfer Co.,
Tallahassee, Florida.

Howard Transfer Co.,
229 Boone St.,
Orlando, Florida.

Hudson Transfer Co.,
Columbus, Georgia.

Haywood, Ben,
1404½ Tampa St.,
Tampa, Florida.

Holland Transfer Co.,
Lakeland, Florida.

Hill's Transfer,
Tallahassee, Florida.

Johnson, Bill Transfer Co.,
710 5th Ave. N.,
St. Petersburg, Florida.

Kniffin Transfer Co.,
Miami, Florida.

Kite Transfer,
440 W. Orange St.,
Gainesville, Florida.

Lerette, A. J.,
3325 N. W. 5th Ave.,
Miami Beach, Florida.

Lee Terminal & Whse. Corp.,
Box 1303,
Tampa, Florida.

Leonard Bros Transfer &
Stg. Co.,
1944 N. W. 7th Ave.,
Miami, Florida.

Leach & Elder Stg. Co., Inc.,
216 W. 8th St.,
Jacksonville, Florida.

McGhee, Will E.,
118 S. Dakota Ave.,
Tampa, Florida.

Plouf, H. C. Transfer Co.,
So. Jacksonville, Florida.

Robinson, E. E.,
506 Macy St.,
Orlando, Florida.

Ramsey, Owen,
Palatka, Fla.

Rapid Express Co.,
73 E. Church St.,
Jacksonville, Florida.

Sanders Transfer & Stg. Co.,
129 8th Ave. N.,
Nashville, Tenn.

Shaw Furniture Transfer,
1817 Liberty St.,
Jacksonville, Florida.

Southern Transfer & Stg.
Co., Inc.,
1901 5th Ave. S.,
St. Petersburg, Florida.

Settle Moving Packing &
Stg. Co.,
635 W. Main St.,
Louisville, Ky.

Suddath Moving & Stg. Co.,
315-19 E. Bay St.,
Jacksonville, Florida.

Service Transfer,
405 S. Poinsetta Ave.,
West Palm Beach, Florida.

Suddath Moving & Stg. Co.,
1727 Grand Central,
Tampa, Florida.

Sarasota Transfer & Stg. Co.,
Sarasota, Florida.

Twiss Transfer Co.,
842 4th Ave.,
St. Petersburg, Florida.

Tompkins, M. E.,
Lake City, Florida.

Triangle Express Co.,
1447 Drexel Ave.,
Miami Beach, Florida.

Union Transfer & Stg. Co.,
316 N. E. 14th St.,
Miami Beach, Florida.

Weathers Bros. Transfer Co., Inc.,
733 Blvd. N. E.,
Atlanta, Georgia.

White Star Line,
413 W. Main St.,
Ocala, Florida.

Weathers, Carey F. Transfer &
Stg. Co.,
Augusta, Georgia.

Withers, John E. Transfer Co.,
1000 N. E. First St.,
Miami, Florida.

Woodside, John J. Stg. Co.,
259 Edgewood Ave.,
Atlanta, Georgia.

Walker Warehouse, Inc.,
521 Peachtree St. N. E.,
Atlanta, Georgia.

Washington Stg. Co., Inc.,
1001 Washington Ave.,
Miami Beach, Florida.

White, A. C. Transfer & Stg.,
414 Edgewood Ave.,
Atlanta, Georgia.

Yarnall Warehouse & Transfer
Co.,
Lakeland, Florida.

Zorn Transfer Co.,
Palatka, Florida.

SPECIAL PERMIT CARRIERS

Burgess, Arthur S.,
Ocala, Florida.

Blowers, Tom H.,
1271 Hollywood Ave.,
Jacksonville, Florida.

Blazer, H. B., Jr.,
Box 777,
Punta Gorda, Florida.

Cruikshank Motor Truck Service,
Jacksonville, Florida.

Cordell, Henry Elmer,
Sanford, Florida.

Dickinson, W. A. Transfer,
2335 N. Miami Ave.,
Miami, Florida.

Franklin's Transfer,
P. O. Box 1983,
Ft. Myers, Florida.

Gatlin, James Frank,
Jacksonville, Florida.

Growers & Shippers Transfer Co.,
Pompano, Florida.

Holstum, L. W.,
Ocala, Florida.

Hull, Roscoe L.,
Ft. Lauderdale, Florida.

Kennelly Transfer & Stg. Co.,
724 Pippin St.,
Jacksonville, Florida.

Leonard Bros. Transfer &
Stg. Co.,
1944 N. W. 7th Ave.,
Miami, Florida.

Metzger, L. E.,
Fernandina, Florida.

McFarlin, Marcus N.,
Tampa, Fla.

McGhee, Will,
118 S. Dakota Ave.,
Tampa, Florida.

Ploof, H. C. Transfer Co.,
S. Jacksonville, Florida.

Peterson, L. L.,
Lakeland, Florida.

Slauson, Albert Erwin,
615 Broohaven Dr.,
Orlando, Florida.

Tompkins, M. E.,
Lake City, Florida.

Union Transfer & Stg. Co.,
316 N. E. 14th St.,
Miami, Florida.

White Star Line,
413 W. Main St.,
Ocala, Florida.

Withers, John E. Transfer Co.,
1000 N. E. First St.,
Miami, Florida.

CERTIFICATE OF REGISTRATION

A & M Return Load,
1608 Sycamore St.,
Cincinnati, Ohio.

Anaconda Van Lines,
2735 Lincoln Avenue,
Chicago, Illinois.

Allied Van Lines, Inc.,
1018 S. Wabash Avenue,
Chicago, Illinois.

Alabama Transfer & Stg. Co.,
501 N. Perry Street,
Montgomery, Ala.

Blanchard, Henry M.,
570 S. Crest Road,
Chattanooga, Tenn.

Brown Tr. & Stg. Co.,
Rome, Ga.

Baggett Transport Co., Inc.,
2417 First Ave. South,
Birmingham, Ala.

Burnett, Geo. F. Co., Inc.,
1204 Prairie Ave.,
South Bend, Ind.

Carolina Transfer & Stg. Co.,
1230 W. Marchheads St.,
Charlotte, N. C.

Chattanooga Tr. & Stg. Co., Inc.,
915 Carter St.,
Chattanooga, Tenn.

Central Van & Stg. Co.,
521 8th Ave.,
Nashville, Tenn.

Continental Carriers, Inc.,
215 Courtland St. N. E.,
Atlanta, Ga.

Continental Van Lines,
Box 6 N 21st,
Birmingham, Ala.

Clark, James M.,
Nashville, Tenn.

Caton, John R.,
Andalusia, Ala.

DeVane, Charles,
Rt. 2,
Dothan, Ala.

Dealers Transport Co.,
7009 S. Chicago Ave.,
Chicago, Ill.

Dove, John H.,
110 St. Andrews St.,
Dothan, Ala.

Dean, J. L.,
Pinckard, Ala.

Edelen Tr. & Stg. Co.,
709-11 N. Broadway,
Knoxville, Tenn.

Ellis Moving Co. & Safe Van
Lines,
235 Main St.,
Nashville, Tenn.

Ford Bros. Van & Stg. Co.,
1024 Dodge St.,
Omaha, Neb.

Furgate & Girton Driveway Co.,
Brazil, Indiana.

Greyvan Lines, Inc.,
1308 S. Michigan Ave.,
Chicago, Ill.

Harris Transfer & Warehouse
Co.,
8 S. 13th St.,
Birmingham, Ala.

Howard Hall Co., Inc.,
2809 Second Ave. South,
Birmingham, Ala.

Juett, Howard W.,
15 S. Erwin St.,
Cartersville, Ga.

Kenosha Auto Transport Corp.,
Kenosha, Wis.

Keal, I. E.,
810 E. 82nd St.,
Cleveland, Ohio.

Lawrence Brothers,
Chapel Hill, Tenn.

Malcom & Malcom,
2309 McRae St.,
Orlando, Florida.

Mrazek, J. A. Transfer & Stg. Co.,
511 Locust St.,
St. Louis, Mo.

O K Storage & Tr. Co., Inc.,
161 Jefferson Ave.,
Memphis, Tenn.

Pan-American Bus Lines,
Charlotte, N. C.

Pendleton, Wm. F.,
Valdosta, Ga.

Philadelphia Detroit Lines, Inc.,
119 Center Ave.,
Butler, Pa.

Quidley, Hattie A.,
Charleston, N. C.

R. C. Motor Lines,
High Point, N. C.

Russell C. House Tr. & Stg. Co.,
135 Auburn Avenue,
Atlanta, Georgia.

Smith, Ralph G.,
205 N. Penn St.,
West Chester, Pa.

Sloan's Moving & Stg. Co.,
1167 Hodiament Ave.,
St. Louis, Mo.

Shaff Transfer & Stg. Co.,
604 Cotton St. Bldg.,
Nashville, Tenn.

Sober, Howard, Inc.,
1108 S. Wash. Ave.,
Lansing, Mich.

Thompkins, W. H. Co., Inc.,
Nashville, Tenn.

A. E. and C. O. Fiveash,
Valdosta, Georgia.

Truckway Corp.,
342 Raeburn St.,
Pontiac, Mich.

United Security Assoc. Ware-
houses, Inc.,
243 W. 60th St.,
New York City.

Wimberly Transfer,
Valdosta, Ga.

Wise Motor Line,
Crestview, Florida.

PASSENGER PERMITS

Allison, Truman E.,
415 Eleventh Street,
West Palm Beach, Florida.

Acme Cab Company,
340 Twenty-third Street,
Miami, Florida.

Anderson, A. L.,
Bellevue Hotel,
Clearwater, Florida.

Adelson, Elkin M.,
944 Fifth Street,
Miami Beach, Florida.

Ace Cabs Company,
1931 Fifth Street (626 Fifth St.)
Miami, Florida.

Brown, William,
1413 N. W. Fourth Avenue,
Miami, Florida.

Burroughs Taxi Company,
Winter Haven, Florida.

Blue, Harmon,
Lakeworth, Florida.

Barrenblatt, F. R.,
641 Meridian Avenue,
Miami Beach, Florida.

Berger, Sigmund,
744 Jefferson Avenue,
Miami, Florida.

Becker, Frederick,
719 Meridian Avenue,
Miami Beach, Florida.

Beaudin, Joel,
Atlantic & Federal Highway,
Delray Beach, Florida.

Boyd, Dan,
Hollywood, Florida.

- Blue and Gray Cab Company,
115 W. Flagler St.,
Miami, Florida.
- Black, William J.,
414 11th Street,
West Palm Beach, Florida.
- Bledsoe's Service,
Winter Park, Florida.
- Bowers, Dallas,
Winter Park, Florida.
- Carr, Charles W.,
31 N. Peninsular Drive,
Daytona Beach, Florida.
- Cole, Bert L.,
Gasparilla, Florida.
- Cook, Henry A.,
St. Petersburg, Florida.
- Club Transportation Service, Inc.,
Coral Gables, Florida.
- Catikos, Thomas,
No. 1 Smith Cottage,
Miami Beach, Florida.
- Chauncey, Bernard,
Miami Beach, Florida.
- Cohen, Samuel,
140 Washington Avenue,
Miami Beach, Florida.
- Callery, J. T.,
833 W. Avenue,
Miami Beach, Florida.
- Century Cab Company,
447 Washington Avenue,
Miami Beach, Florida.
- Durham, John N.,
817 Scott Street,
Hollywood, Florida.
- Daley, J. F.,
628 Evernia Street,
West Palm Beach, Florida.
- Deuchare, E. R.,
Hollywood, Florida.
- Da Camara, W. H.,
211 Lakeview Avenue,
West Palm Beach, Florida.
- Dyer, Elmer,
St. Petersburg, Florida.
- Downing, James,
735 Second Street,
Miami, Florida.
- Duel, Edward,
Pass-a-Grille, Florida.
- Diamond Cab Company,
2003 Grand Central Avenue,
Tampa, Florida.
- Economy Cab Company,
Orlando, Florida.
- Ellis, James Thomerson (J. T.)
P. O. Box 93,
Winter Park, Florida.
- Eskriggs, Charlotte,
2234 W. Harding Street,
Hollywood, Florida.
- Franko, Joe,
1068 Fourth Street North,
St. Petersburg, Florida.
- Frazin, Nate,
520 Ocean Drive,
Miami Beach, Florida.
- Flamingo Taxi Service, Inc.,
Miami Beach, Florida.
- Fisher, D. W.,
Miami, Florida.
- Fox, Edmund,
Jacksonville, Florida.

Frosch, William,
c/o Everglades Club, Worth
Avenue,
West Palm Beach, Florida.

Foster, George,
Winter Park, Florida.

Gilbert, W. A.,
2223 Second Avenue West,
St. Petersburg, Florida.

Green, Mrs. Aileen,
DeLand, Florida.

Headland, Frank,
Royal Park Garage Apts.,
Palm Beach, Florida.

Hever, Jack B.,
St. Petersburg, Florida.

Hatfield, Harold M.,
Daytona Beach, Florida.

Hall, M. F.,
6 S. Ft. Harrison Avenue,
Clearwater, Florida.

Hills, Inc.,
25 4th Street North,
St. Petersburg, Florida.

Helmich, George,
West Palm Beach, Florida.

Higgins, Richard,
614 35th Street,
West Palm Beach, Florida.

Hinde, A. T.,
611 10th Street, North,
St. Petersburg, Florida.

Isrial, Henry,
805 11th Street North,
St. Petersburg, Florida.

Jackson, John E.,
3604 Arlington Avenue,
Tampa, Florida.

Johnson, J. Earl,
324 20th Street,
West Palm Beach, Florida.

King, Fletcher P.,
715 Belvedere Road, Apt. 7,
West Palm Beach, Florida.

Knopfler, Sidney C.,
533 39th Street,
West Palm Beach, Florida.

Kibbe, Ida W., (Mrs.)
227 Sunset Avenue,
Palm Beach, Florida.

Lantz, Leon Chapman,
153 Phelps Street,
Jacksonville, Florida.

LeCompte, Eugene,
Lola Miller Apartments,
Apt. No. 2,
West Palm Beach, Florida.

Lone, Ted,
106 East Main Street,
Lakeland, Florida.

Lord, E. B.,
Sarasota, Florida.

Livingston, Randolph,
420 Aveneda Allegra,
West Palm Beach, Florida.

Luterman, John,
Sarasota, Florida.

Muller, Edwin T.,
1310 Avenue "A",
West Palm Beach, Florida.

Mount, Seeley P.,
c/o Tropical Cab Company,
Miami Beach, Florida.

MacGowan, G. S.,
511 12th Street,
West Palm Beach, Florida.

- Marks, Samuel,
443 Washington Avenue,
Miami Beach, Florida.
- Miller, J. O., Cab Company,
St. Augustine, Florida.
- Miami For Hire Car Association,
Inc.,
11 N. E. Third Avenue ,
Miami, Florida.
- Miller, H.,
739 Fourth Street,
Miami Beach, Florida.
- Mountain Lake Corporation,
Lake Wales, Florida.
- Murphy, David,
Box 2361,
Palm Beach, Florida.
- Morrison, Benjamin Franklin,
845 17th Avenue South,
St. Petersburg, Florida.
- McKnight, James,
Maitland, Florida.
- Martin, Ralph R.,
171 Root Trail,
Palm Beach, Florida.
- McCloy, H. M.,
425 Fourth Street,
West Palm Beach, Florida.
- Neal, Frederick Joseph,
617 Fiftieth Street,
West Palm Beach, Florida.
- Nimmons, Orin M.,
715 Sixth Avenue South,
St. Petersburg, Florida.
- O'Neal, Ilda,
601 Wildwood Way,
Clearwater, Florida.
- Ober, Harold F.,
425 Lincoln Avenue,
Melbourne, Florida.
- Pitman, Miss Mildred A.,
231 Walton Blvd.,
West Palm Beach, Florida.
- Pritchard, Wilbert R.,
300 23rd Street,
Miami, Florida.
- Pressley, Walter W.,
Ft. Myers, Florida.
- Palmer, Percy F.,
756 Bay Street Northeast,
St. Petersburg, Florida.
- Parsons, Archibald F.,
435 South Osceola Street,
Orlando, Florida.
- Prevatt, Charles,
Ft. Myers, Florida.
- Peterson, C. E.,
Hypsaluko, Florida.
- Pennell, George E.,
Box 898,
Palm Beach, Florida.
- Pezzulli, William G.,
St. Petersburg, Florida.
- Phillips, George Eddie,
145 North West 62nd Street,
Miami, Florida.
- Pomeroy, George W.,
105 Second Avenue Northeast,
St. Petersburg, Florida.
- Pfafflin, George W.,
416 52nd Street,
West Palm Beach, Florida.
- Rich, Captain Harry C.,
1949 Madison Avenue,
Hollywood, Florida.

Gould, Raymond,
Daytona Beach, Florida.

Red Top Cab & Baggage
Company,
44 S. W. 3rd Street,
Miami, Florida.

Rines, George Henry, Jr.,
231 Main Street,
Palm Beach, Florida.

Rite Rate Cab Company,
110 Central Ave.,
St. Petersburg, Florida.

Richardson, F. G.,
724 Third Street North,
St. Petersburg, Florida.

Ridgeway Transfer Company,
Inc.,
Daytona Beach, Florida.

Royal Palm Sightseeing Company,
44 S. W. Eighth Street,
Miami, Florida.

Rogel, Albert,
No. 7 Smith Cottage,
Miami Beach, Florida.

Robers, D. R.,
Sebring, Florida.

Rubin, Joe,
203 Collins Avenue,
Miami Beach, Florida.

Rappaport, L.,
845 N. W. 7th Avenue ,
Miami, Florida.

Rollings, George T.,
23 Hogan Street,
Jacksonville, Florida.

Seaman, Ralph Henry,
Miami Beach, Florida.

Slaick, Earl H.,
Hollywood, Florida.

Sarasota Transit,
Sarasota, Florida.

Sirota, Michael,
600 5th St.,
Miami Beach, Florida.

Singer, Sall,
66 Collins Avenue,
Miami Beach, Florida.

Segal, Annie,
100 Ocean Drive,
Miami Beach, Florida.

Spuck, Frederic,
515 Washington Avenue,
Miami Beach, Florida.

San Juan Auto Service, Inc.,
32 North Orange Avenue,
Orlando, Florida.

St. Augustine Transfer Company,
St. Augustine, Florida.

Storjohan, John,
Winter Park, Florida.

Standard Auto Sales Company,
117 Orange Avenue,
Daytona Beach, Florida.

Springer Motor Company,
Hollywood, Florida.

Stubbs, Henshall W.,
Village Hotel Apts.,
Miami Beach, Florida.

Sargent, Walter W.,
839 Hansen St.,
West Palm Beach, Florida.

Sam's Taxi Travel & Baggage
Service, Inc.,
Coral Gables, Florida.

Smith, Gordon,
Bradenton, Florida.

Safety Cab Company, Inc.,
Jacksonville, Florida.

Spangoli, Theodore,
Hollywood, Florida.

Schwartz, Henry,
132 Eighth Street,
Miami Beach, Florida.

Swaggerty, C. L.,
Ft. Lauderdale, Florida.

Silver, Mrs. Annie,
4210 W. Manatee Avenue,
Brandenton, Florida.

Trotter, James L.,
Ocala, Florida.

Takash, Carl A.,
Sanford, Florida.

Tedder, Thomas Horace,
Lake Wales, Florida.

Thomas, James H.,
1162 Highland Street, North,
St. Petersburg, Florida.

Tobin, Ralph,
Hollywood, Florida.

Tribeck, W. E.,
230 E. 7th St.,
Jacksonville, Florida.

Underhill, G. H. ,
Ormond Beach, Florida.

Usher's Garage & Taxi Service,
Inc.,
219 29th Street,
Miami Beach, Florida.

University Transit Company,
Gainesville, Florida.

U-Drive-It of Miami, Inc.,
Miami, Florida.

Upton, Harold F.,
519 Sunset Road,
West Palm Beach, Florida.

Upper Saranac Company, Inc.,
Daytona Beach, Florida.

Villemagne, Harry L.,
426 Euclid Avenue,
Miami Beach, Florida.

Varney, Allen V., Inc.,
526 15th Avenue N. E.,
St. Petersburg, Florida.

Venetian Way Coaches,
1142 N. W. 6th Street,
Miami, Florida.

Wells, Frank E.,
74 Abbot Street,
St. Augustine, Florida.

Walrad, J. M.,
118 Hammond Avenue,
Palm Beach, Florida.

Walker, L. A.,
2132 2nd Avenue North,
St. Petersburg, Florida.

Wallenstein, Meyer,
100 Ocean Drive,
Miami Beach, Florida.

Wacker, Anton,
445 Braziala,
Palm Beach Florida.

Wilson, C. R.,
Box 265,
Hollywood, Florida.

Williams, Thos. E.,
1505 5th Avenue North,
St. Petersburg, Florida.

White Line Cabs, Inc.,
1545 Alton Road,
Miami Beach, Florida.

Williams, James C.,
Trailer Garden,
Okeechobee Road,
West Palm Beach, Florida.

Yellow Cab Company
(Also Baggage)
Miami, Florida.

Yellow Cab and Transfer
Company, Inc.,
St. Petersburg, Florida.

Yellow Taxicab and Transfer
Company,
Tampa, Florida.

Yasner, Stanley,
1402 Collins Avenue,
Miami Beach, Florida.

**Motor Transportation
Orders**



ORDER NO. 1059,

DOCKET NO. 349.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF P. T. MALONE, DOING BUSINESS AS P. T. MALONE HORSE PULLMAN SERVICE OF CORAL GABLES AND HIALEAH, FLORIDA, FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A LIMITED COMMON CARRIER TO TRANSPORT RACE HORSES AT IRREGULAR INTERVALS DAILY BETWEEN TWO RACE TRACKS IN DADE COUNTY, FLORIDA.

1. By Order No. 1048 dated December 20, 1937 application of P. T. Malone, doing business as P. T. Malone Horse Pullman Service of Coral Gables and Hialeah, Florida, for a Certificate of Public Convenience and Necessity as a limited common carrier transporting race horses between the race tracks in Dade County, Florida, was denied.

2. By Order No. 1053, dated December 29th, 1937, motion for reconsideration and rehearing of this matter was denied.

3. The applicant on January 7, 1938 filed motion to reopen this cause for the purpose of allowing and permitting said applicant to file and submit as a part of the record new and additional testimony in support of the application. Upon consideration of this motion the Commission is of opinion that while it has inherent power to grant rehearings upon applications for Certificates of Public Convenience and Necessity, and to reopen proceedings for the purpose of receiving new and additional evidence, the new and additional evidence proposed to be offered by the applicant has already been submitted to this Commission in the form of affidavits, and nothing appears in said affidavits that would warrant the Commission in issuing any new order in this matter.

Wherefore, it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that this motion to reopen said cause be and the same is hereby **DENIED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at the Tampa Terrace Hotel, Tampa, Florida, this 25th day of January, 1938.

COMMISSIONER DOUGLASS DISSENTS.

ORDER NO. 1060,

DOCKET NO. 1300.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: IN THE MATTER OF RATES AND RULES GOVERNING THE
HANDLING OF HOUSEHOLD GOODS IN SMALL TRUCKS, WITH
A CAPACITY OF 600 FEET OR LESS, CUBIC MEASUREMENT.

This matter came on for hearing before the Railroad Commission at Tallahassee, Fla., on October 19, 1937, pursuant to Notice No. 554, issued October 1st, 1937, and then and there appeared the following:

A. S. Burgess, for Burgess Transfer, Ocala, Fla., W. H. Zorn, of Zorn Transfer Company, Palatka, Fla., and Sinclair Wells, Counsel.

After hearing all who desired to be heard, under oath, the Commissioners took the said matter under advisement.

It is **FOUND** from the evidence that there are in Florida some holders of Household Goods certificates who are only equipped with small trucks, who are unable, because of the limited equipment, to operate under the terms of Household Goods Tariff No. 1, issued by Leo P. Kitchen and Dan R. Schwartz, of Jacksonville, Fla., approved by this Commission by Order No. 1011.

It is further **FOUND** that there is a need for a transportation service, to handle in small trucks, limited amounts of Household Goods, the cost of which would be prohibitive if handled in large vans under Household Goods Tariff No. 1.

And now on this day the Railroad Commissioners of the State of Florida, having fully considered all of the evidence adduced at said hearing, and being fully advised in the premises, do **FIND** and **ORDER** as follows:

It is found and **ORDERED** that on and after the effective date of this Order the following rates shall be applied when Household Goods are moved in trucks having a load capacity of 600 feet or less:

Miles	Per truck load of 600 feet or less.
5 miles and under	\$ 4.50
10 miles and over 5 miles	6.00
15 miles and over 10 miles	7.50
20 miles and over 15 miles	9.00
25 miles and over 20 miles	10.50
30 miles and over 25 miles	12.00

35 miles and over 30 miles	13.50
40 miles and over 35 miles	14.00
45 miles and over 40 miles	15.00
50 miles and over 45 miles	16.00

For all distances over 50 miles the rates shall be 30c per mile, breaking on blocks of 5 miles. The rate of 30c per mile includes both the hauling of the Household Goods from origin to destination and the return of the empty equipment to point of origin.

It is further ORDERED that Household Goods haulers equipped with vans, operating under certificate from this Commission, and using Household Goods Tariff No. 1, shall not undertake to handle Household Goods under the rates provided above, nor shall they equip themselves with small trucks for the purpose of using these rates.

It is the purpose of this Commission by this Order to provide rates for a particular type of equipment, to be used in the handling of small shipments of Household Goods, which, by reason of the small quantity and the type of the goods do not lend themselves to transportation in large vans, and which cannot be moved at the rates in Household Goods Tariff No. 1.

Movement of Household Goods under the above rates shall be made at shipper's convenience.

Mileage shall be figured by the use of the Official Road Map of Florida, issued by the Florida State Road Department, and in all cases must be over the shortest available route.

This Order shall take effect on the 5th day of March, 1938.

DONE and ORDERED by the Railroad Commissioners of the State of Florida, in session at their office in the City of Tallahassee, Florida, this 25th day of February, 1938.

ORDER NO. 1061,

DOCKETS NOS. 100-6

100-7.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPROVAL OF LEASE AND OPERATING AGREEMENT BY
AND BETWEEN THE W. L. AKINS TRANSPORTATION COMPANY,
INC., AND L. & L. FREIGHT LINES, INC.

WHEREAS, W. L. Akins Transportation Company, Inc., of Jacksonville, Florida, and L. & L. Freight Lines, Inc., of Miami, Florida, did on January 1, 1935 enter into a written lease and operating agreement where-

by W. L. Akins Transportation Company, Inc., as lessor, did lease to L. & L. Freight Lines, Inc., as lessee, all of said lessor's right, title and interest to Certificate of Public Convenience and Necessity No. 70, and other property more particularly described in said lease, and this Commission did approve said lease and operating agreement but no formal order was ever entered in said matter:

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the lease and operating agreement by and between W. L. Akins Transportation Company, Inc., and L. & L. Freight Lines, Inc., a copy of which is hereto attached and made a part of this order, be and the same is hereby **APPROVED**.

It is further **ORDERED** that this approval shall be and become effective as of January 1, 1935.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 25th day of February, 1938.

ORDER NO. 1062,

DOCKET NO. 100-143.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF UNION BUS COMPANY, OF JACKSONVILLE, FLORIDA, FOR AN EXTENSION OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 26 AUTHORIZING THE TRANSPORTATION OF PASSENGERS BETWEEN MARIANNA, FLORIDA, AND THE FLORIDA-ALABAMA STATE LINE OVER STATE ROAD NO. 90 TO GREENWOOD, AND OVER STATE ROAD NO. 141 FROM GREENWOOD, FLORIDA, TO ALABAMA STATE LINE.

1. Pursuant to Notice No. 565 dated February 8th, 1938, this application came on for formal hearing before the Railroad Commission at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on Wednesday, February 23rd, 1938, and was heard by Commissioner Douglass who had been designated by the Commission to hear said proceeding and make his report to the Commission.

H. C. Roland, Esq., appeared for the applicant.
No one appeared in opposition to the application.

2. The applicant presented a number of witnesses embracing the county and State officials and citizens living in the communities along this route, all of whom testified that the inauguration of this service

would be of great convenience to them, and that it was much needed and would be used if the service was permitted.

3. Commissioner Douglass having made a report of the proceedings taken before him and recommended that the application be granted, and the Commission having considered the evidence introduced and finding that public convenience and necessity require the issuance of this Certificate:

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Union Bus Company for an extension of its Certificate of Public Convenience and Necessity No. 26 to transport passengers from Marianna, Florida, to Florida-Alabama State line over Florida Highway No. 90 to Greenwood, and thence over Florida Highway No. 141 to the Florida-Alabama State line, be and the same is hereby **GRANTED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 26th day of February, 1938.

ORDER NO. 1063,

DOCKETS NOS. 100-13

382.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: JOINT APPLICATION OF H. O. ROOKS, DOING BUSINESS AS ROOKS COACH LINE, AND TAMiami TRAIL TOURS, INC., A CORPORATION, FOR TRANSFER OF CERTIFICATE NO. 197 FROM H. O. ROOKS, DOING BUSINESS AS ROOKS COACH LINE TO TAMiami TRAIL TOURS, INC., COVERING THE COMMON CARRIAGE OF PASSENGERS AND LIGHT EXPRESS BETWEEN TALLAHASSEE, FLORIDA, AND BLOUNTSTOWN, FLORIDA, OVER STATE HIGHWAY NO. 19.

1. Pursuant to Notice No. 565 dated February 8, 1938, this matter came on for formal hearing before the Railroad Commission at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on Wednesday, February 23, 1938, and was heard by Commissioner Douglass who had been designated by the Commission to hear said cause and report his findings to the Commission.

A. Pickens Coles, Esq., appeared for applicants.

No one appeared as protestants.

2. It appears from the joint application and the testimony offered in this cause that Tamiami Trail Tours, Inc., has agreed to purchase and

H. O. Rooks, doing business as Rooks Coach Line, has agreed to sell all of the right, title and interest of the said Rooks Coach Line in and to Certificate of Public Convenience and Necessity No. 197 covering the common carriage of passengers and light express between Tallahassee, Florida, and Blountstown, Florida, over State Road No. 19. That Tamiami Trail Tours, Inc., has agreed to assume any and all obligations due by H. O. Rooks, doing business as Rooks Coach Line, for mileage taxes due the State of Florida and all valid unpaid C. O. D. claims, and has further agreed to take any steps that are necessary under the law to secure the approval of the Interstate Commerce Commission of such transfer, and the said H. O. Rooks, doing business as Rooks Coach Line, has further agreed to make the necessary reports to this Commission covering his operations up to and including the date of sale and transfer of such Certificate.

3. Commissioner Douglass having made his report to the Commission on this matter and recommended that the Commission approve such transfer and sale, and the Commission finding that public convenience and necessity would be served by such approval:

It is, therefore, CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the joint application of H. O. Rooks, doing business as Rooks Coach Line, and Tamiami Trail Tours, Inc., a corporation, for transfer of Certificate of Public Convenience and Necessity No. 197 from H. O. Rooks to Tamiami Trail Tours, Inc., covering common carriage of passengers and light express between Tallahassee and Blountstown over State Highway No. 19, under the conditions set out herein, be and the same is hereby APPROVED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 26th day of February, 1938.

ORDER NO. 1064,

DOCKET NO. 500.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF N. B. O'STEEN OF HIGH SPRINGS, FLORIDA, FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A CONTRACT CARRIER TRANSPORTING PASSENGERS, EMPLOYEES OF THE ATLANTIC COAST LINE RAILROAD COMPANY, BETWEEN HIGH SPRINGS, FLORIDA, AND BURNETT'S LAKE, FLORIDA AND RETURN DAILY.

1. Pursuant to Notice No. 565, dated February 8, 1938, this matter came on for formal hearing before the Railroad Commission at its Hear-

ing Room, Supreme Court Building, Tallahassee, Florida, on Wednesday, February 23, 1938, and was heard by Commissioner Douglass who had been designated by the Commission to hear said cause and report his findings to the Commission.

F. B. Langley, Esq., appeared for the applicant, and Atlantic Coast Line Railroad Company.

No one appeared in opposition to the application.

2. It appears from the testimony introduced in this cause that Mr. O'Steen has been for the past twelve or fifteen years transporting the employees of the Atlantic Coast Line Railroad Company between High Springs and Burnett's Lake, a distance of about ten miles. The purpose of this operation is to transport the employees of the Atlantic Coast Line Railroad from High Springs to Burnett's Lake in order to take care of the train service between Burnett's Lake and St. Petersburg. As there is no train service between Burnett's Lake and High Springs at night, the Atlantic Coast Line Railroad has arranged with Mr. O'Steen to transport the men who operate the train between Burnett's Lake and St. Petersburg, and who live at High Springs, from High Springs to Burnett's Lake. This application is to handle the employees of the Atlantic Coast Line Railway only. An effort has been made to secure a proper schedule from the Florida Motor Lines to handle the employees of the Coast Line but this was not practicable and the Florida Motor Lines does not object to Mr. O'Steen handling these few passengers. The original contract between the Atlantic Coast Line Railroad and Mr. O'Steen was offered in evidence.

3. Commissioner Douglass having made his report on this application and recommended that it be granted, and the Commission having examined and considered the testimony offered and find that said application should be granted:

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of N. B. O'Steen of High Springs, Florida for a Certificate of Public Convenience and Necessity to operate as a contract carrier transporting employees of the Atlantic Coast Line Railroad Company only between High Springs and Burnett's Lake and return daily be and the same is hereby **GRANTED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 26th day of February, 1938.

ORDER NO. 1065,

DOCKET NO. 499.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF BRADSHAW B. CLARKE DOING BUSINESS AS CLARKE MOTOR LINES TO TRANSPORT PASSENGERS, BAGGAGE, MAIL AND NEWSPAPERS BETWEEN MARIANNA AND THE GEORGIA-FLORIDA LINE VIA GREENWOOD AND BASCOM OVER STATE HIGHWAYS NOS. 1 AND 90.

1. Pursuant to Notice No. 565 dated February 8, 1938, this matter came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on Wednesday, February 23, 1938, and was heard by Commissioner Douglass who had been designated by the Commission to hear said cause and report his findings to the Commission.

F. E. Strickland, Esq., of Donaldsonville, Georgia, appeared for applicant.

No one appeared in opposition.

2. The evidence in this cause shows that Bradshaw B. Clarke, doing business as Clarke Motor Lines, has already received the approval of the Interstate Commerce Commission for the interstate portion of this operation, and has also received the approval of the Georgia Public Service Commission for intrastate operation within the State of Georgia, and now seeks approval of this Commission for authority to operate intrastate within the State of Florida. That he has agreed to conform with all the rules and regulations of this Commission governing operations of motor vehicles transporting passengers, and the Commission having considered the evidence and finding that public convenience and necessity require the granting of this application, and Commissioner Douglass having made his report and recommended the granting of the same:

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Bradshaw B. Clarke, doing business as Clarke Motor Lines, to transport passengers, mail, baggage and newspapers from Marianna, Florida, over State Highway No. 1 to the junction with State Highway No. 90, and thence over State Highway No. 90 through Greenwood and Bascom, Florida, and thence to the toll bridge over the Chattahoochee River and thence to the Georgia-Florida State line enroute to Albany, Georgia, be and the same is hereby **GRANTED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 26th day of February, 1938.

ORDER NO. 1066,

DOCKET NO. 501.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF BLOCKER TRANSFER & STORAGE COM-
PANY, INC., OF ST. PETERSBURG, FLORIDA, FOR A CERTIFI-
CATE AS A LIMITED COMMON CARRIER TRANSPORTING USED
HOUSEHOLD GOODS, STORE FIXTURES AND OFFICE FURNI-
TURE WITHIN THE STATE OF FLORIDA.

1. Pursuant to Notice No. 565 dated February 8, 1938, this matter came on for formal hearing before the Railroad Commission at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on Wednesday, February 23, 1938, and was heard by Commissioner Douglass who had been designated by the Commission to hear said cause and report his findings to the Commission.

J. R. Hunter appeared for Railway Express Agency.

D. E. Neely appeared for applicant.

W. J. Oven appeared for Receivers of Seaboard Air Line
Railway Company.

2. Upon the testimony of the witnesses for the applicant that Blocker Transfer & Storage Company, Inc., desires to transport used Household goods, office furniture and store fixtures under the rules of this Commission, counsel for the railroad and Express Company withdrew all opposition to the granting of the application. It appears that this Company has been for sometime engaged in the transfer and storage business in St. Petersburg and now desires authority to make occasional trips transporting used household goods, store fixtures and office furniture whenever application is made from its customers. The applicant has agreed to abide all of the rules and regulations of the Commission and to conform to the law under which such carriers operate, and Commissioner Douglass having made his report and recommended the granting of this application, and the Commission finding that there is no opposition to the same and that public convenience and necessity will be served by the granting of the application:

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Blocker Transfer & Storage Company for a Certificate of Public Convenience and Necessity as a limited common carrier transporting uncrated household goods, office furniture and store fixtures under the rules of the Railroad Commission from St. Petersburg to various points in the State of Florida be and the same is hereby **GRANTED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 26th day of February, 1938.

ORDER NO. 1067,

**DOCKETS NOS. 100-121
343.**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: JOINT APPLICATION OF W. L. CRAVEN, DOING BUSINESS AS SEMINOLE COACH COMPANY AND FLORIDA MOTOR LINES CORPORATION, FOR APPROVAL OF TRANSFER OF THAT PORTION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 198 HELD BY W. L. CRAVEN COVERING MOTOR BUS OPERATIONS BETWEEN GAINESVILLE AND SUWANNEE RIVER OVER STATE ROAD NO. 14 VIA NEWBERRY, TRENTON AND WILCOX, TO FLORIDA MOTOR LINES CORPORATION.

1. Pursuant to Notice No. 566 dated February 9th, 1938 this matter came on for formal hearing before the Railroad Commission of the State of Florida at a session beginning at 10 o'clock A. M. on Friday, March 25th, 1938, at the George Washington Hotel, Jacksonville, Florida.

A. Y. Milam appeared for the applicants.

No one appeared in opposition to the application.

2. From the joint application, and the testimony offered in this proceeding, it appears that this Commission by Order No. 814, dated December 7, 1935, awarded a Certificate of Public Convenience and Necessity to W. L. Craven, operating as Seminole Coach Company, authorizing the transportation of passengers, baggage and express between Gainesville and Palatka, Florida, over State Road No. 14, and between Palatka and St. Augustine over State Road No. 189. That at this time Gulf Crescent Motor Lines, Inc., was operating a bus line between Suwannee River and Gainesville over State Road No. 14 via Newberry, Trenton and Wilcox under authority of this Commission. That by Order No. 886, dated August 25, 1936, this Commission approved the transfer of that portion of Certificate No. 106 held by Gulf Crescent Motor Lines, Inc., covering operations between Gainesville and Suwannee River over State Road No. 14 between Newberry, Trenton and Wilcox to W. L. Craven, operating as Seminole Coach Company, and that since said time W. L. Craven, operating as Seminole Coach Company has attempted to continue and maintain operations between Suwannee River and Gainesville as authorized, but maintaining the same with difficulty as such operations proved unprofitable and the said W. L. Craven is now no longer able to sustain the operating losses occurring by virtue of such operations, and will be forced to abandon the same. It further appears that the said W. L. Craven, operating as Seminole Coach Company has been assisted at various times in his attempt to maintain this operation by Florida Motor Lines Corporation and now is indebted to such corporation in the sum of \$1562.85, representing a balance of purchase price for motor bus equip-

ment, in addition to a substantial sum on interline account. In addition to the amounts due Florida Motor Lines Corporation, Seminole Coach Company owes other open accounts which it is now unable to pay but will be able to pay if it is relieved from the unprofitable operation between Suwannee River junction and Gainesville.

3. The purchase of this Certificate has been approved by the directors of Florida Motor Lines Corporation who agree to continue this operation between Gainesville and Suwannee River in the interest of the public.

4. The Commission is of opinion that public convenience and necessity require the approval of this transfer as it will enable passengers out of Gainesville to make connection at Suwannee River junction with the north and southbound motor bus carriage between Tallahassee, Ocala, Tampa and St. Petersburg.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the sale and transfer of that portion of Certificate of Public Convenience and Necessity No. 198 now held by W. L. Craven, operating as Seminole Coach Company, covering motor bus operations between Gainesville and Suwannee River over State Road No. 14 via Newberry, Trenton and Wilcox, to Florida Motor Lines Corporation, be and the same is hereby **APPROVED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at Jacksonville, Florida, this 25th day of March, 1938.

ORDER NO. 1068,

DOCKET NO. 1339.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN THE MATTER OF APPLICATIONS OF FLORIDA MOTOR FREIGHT
BUREAU, L. & L. FREIGHT LINES, ELLIOTT-YOUNG-CONSOLI-
DATED, CENTRAL TRUCK LINES, ST. JOHNS RIVER LINE COM-
PANY, ST. ANDREWS BAY TRANSPORTATION CO., TAMiami
TRAIL TOURS, STATE HIGHWAY DEPARTMENT AND McJUNKIN
TRUCK LINE FOR CHANGES IN RATES, RATINGS AND RULES
IN FLORIDA MOTOR FREIGHT TARIFF NO. 2, (F. R. C. NO. 2).

Pursuant to Notice issued January 12, 1938, the above matters came on for hearing before the Railroad Commissioners of the State of Florida at the Tampa Terrace Hotel, in the City of Tampa, Fla., at 10 o'clock A. M. on January 25th, 1938, and then and there appeared the following:

Mr. Sidney Allen, Mr. E. R. Rowland, Mr. John A. Bliss, Mr. H. H. Lowry, Mr. Jerry Fogarty, Mr. T. B. Smith and Mr. Wayne McJunkin,

for Florida Motor Freight Bureau and their respective lines; *Mr. A. M. Adams*, for Over-Seas Transportation Company; *Mr. A. Pickens Coles*, for Tamiami Trail Tours; *Mr. W. T. Wolfe*, for L. & L. Freight Lines, Inc.; *Mr. W. T. Weeks*, for Florida Rail Carriers; *Mr. B. M. Brunson*, for Florida East Coast and Seaboard Air Line Railways, and *Mr. J. R. Hunter*, for Railway Express Agency.

All parties who desired to be heard were fully heard, under oath.

And now on this date, the Commissioners, being fully advised in the premises, and having considered all of the evidence introduced at said hearing, have issued, and there is attached hereto SUPPLEMENT NO. 1 to FLORIDA MOTOR FREIGHT TARIFF NO. 2, (F. R. C. No. 2).

This Supplement contains all of the changes in Rates, Ratings and Rules of Florida Motor Freight Tariff No. 2 that have been approved by the Commission as the result of the hearing above referred to.

Changes in Florida Motor Freight Tariff No. 2 as applied for, which are not shown in Supplement No. 1, are not approved.

It is therefore ORDERED that Supplement No. 1 to Florida Motor Freight Tariff No. 2, (F. R. C. No. 2), a copy of which is attached to this Order and made a part thereof, be, and it is hereby made effective on June 10th, 1938, for the use of all Common Carriers of Freight by Motor Vehicle who are subject to Florida Motor Freight Tariff No. 2, (F. R. C. No. 2), on intrastate traffic in the State of Florida.

DONE and ORDERED by the Railroad Commissioners of the State of Florida in session at their office in the City of Tallahassee, Florida, this 25th day of May, 1938.

ORDER NO. 1069,

DOCKET NO. 549.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF WILLIAM RAY MAXWELL FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A CONTRACT CARRIER TO TRANSPORT UNDER CONTRACTS FOR JAMES O. BOMAN AND T. J. ROBINSON, RICE, GRAIN, MIXED FEEDS, SUGAR, CANNED GOODS, BEANS, PEAS AND FOOD-STUFFS FROM APALACHICOLA TO TALLAHASSEE OVER STATE HIGHWAY NO. 10.

1. The above application came on for formal hearing before the Railroad Commission of the State of Florida pursuant to Notice No. 567 dated March 11, 1938, at its hearing room in the Supreme Court building.

Tallahassee, Florida, on April 5, 1938, at 10:00 o'clock A. M. The following appeared:

Charles S. Ausley, Esq., for the applicant.

J. A. Shuler, for Apalachicola and Northern Railroad Co.

W. J. Oven, Esq., for the Receivers of the Seaboard Air Line Railway Company.

2. This is an application for a Certificate of Public Convenience and Necessity to operate as a Private Contract Carrier by motor vehicle over State Highway No. 10 between Apalachicola and Tallahassee, Florida. The applicant is an individual and proposes to haul under two (2) contracts. One is with J. O. Boman of Tallahassee, to transport rice, grain and mixed feeds, and the other is with T. J. Robinson to haul sugar, rice, canned goods, beans, peas, and foodstuffs. Boman and Robinson are brokers dealing in wholesale and it is intended to move the products named into Apalachicola by a barge line from New Orleans. From Apalachicola they are distributed in the surrounding trade area and it is proposed to haul into Tallahassee the balance of each shipment not so distributed directly from Apalachicola. It is estimated that the amount thus moved will be about twenty-five (25) tons per month under each contract.

3. The application was opposed by the Apalachicola and Northern Railroad Company, and the Receivers of the Seaboard Air Line Railroad Company, who contended that the proposed operation would be harmful to the existing transportation structure serving the territory involved, that no proof of public convenience and necessity has been shown, and that the operation would be one in Interstate Commerce which this Commission could not initially grant.

4. The Commission has carefully considered this application and the testimony produced in support thereof and is of the opinion that the same should be denied. It does not appear that there is any public need or demand for any additional transportation facilities for the hauling of the groceries and feeds named into Tallahassee. The testimony shows that the proposed operation will be of great convenience to the two brokers whose goods are to be hauled and perhaps a necessity in their efforts to expand their own business. But this is of no direct benefit to the public generally. It is mandatory upon the Railroad Commission to "take into consideration the effect that the granting of such certificate may have upon transportation facilities within the territory sought to be served . . . and also the effect upon transportation as a whole within said territory." (Sec. 4 of Ch. 14764, Acts of 1931). This operation will merely shift the movement of these products from the existing transportation facilities without there being any need for additional facilities. In view of the conclusion reached it is unnecessary to pass upon the other questions raised by the protestants.

WHEREFORE it is CONSIDERED, ORDERED and ADJUDGED by the Railroad Commission of the State of Florida that the application of William Ray Maxwell for a Certificate of Public Convenience and Necessity as a Contract Carrier to transport certain groceries and feeds for James O. Boman and T. J. Robinson be and the same is hereby DENIED.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 30th day of May, 1938.

ORDER NO. 1070,

DOCKET NO. 100-1, 100-145.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: JOINT PETITION OF CENTRAL TRUCK LINES, AND D. E. HUNT, FOR APPROVAL OF THE SALE AND TRANSFER FROM CENTRAL TRUCK LINES, INC., TO D. E. HUNT, OPERATING AS HUNT TRUCK LINE CERTAIN CERTIFICATE RIGHTS.

1. The above petition came on for hearing before the Railroad Commission of the State of Florida at the Seminole Hotel in Jacksonville, Florida, on January 17, 1938, pursuant to Notice No. 564. The following appeared:

Sidney Allen, Esq., and John M. Allison, Esq., representing Central Truck Lines, Inc.

D. E. Hunt, Esq., representing Hunt Truck Line.

J. A. Bliss, Esq., representing St. Johns River Line Company.

2. Joint petition was filed by Central Truck Lines, Inc., holder of motor freight common carrier certificate of Public Convenience and Necessity No. 56, and D. E. Hunt doing business as Hunt Truck Line, and holder of motor freight common carrier Certificate No. 67, to transfer to Hunt that portion of Certificate No. 56 lying *South of State Road 23 (between Tampa and Plant City) and including Coronet, and South of State Road 17 between Plant City and Haines City except points between Auburndale and Winter Haven and between Winter Haven and Haines City.*

3. The operating rights sought to be transferred are best described as they were in the application, by reference to the present schedules of Central Truck Lines in this territory. These schedules, Nos. 16-B, 14-A, 17-B, 18-A, 13-A, and 14 are attached to this order and made a part hereof. The applicants seek the transfer of:

"All points on Schedule 16-B, except Tampa.

All points on Schedule 14-A, except Tampa, Plant City, Lakeland, Winter Haven, Haines City, Davenport, Kissimmee and Orlando.

All points on Schedule 17-B, except Tampa, Plant City and Lakeland.

All points on Schedule 18-A, except Lakeland, Winter Haven, Florence Villa, Auburndale and Lake Alfred.

Eliminating Lake Wales from Schedule 13-2.

Eliminating Eagle, Lake, Lake Hamilton and Dundee from Schedule 14."

4. Under Certificate No. 67 Hunt Truck Line now operates over the entire territory covered by the proposed transfer with the exception of Lake Placid. The transfer would remove all duplication of service between Central Truck Lines and Hunt with the exception of the route between Tampa and Haines City via Plant City, Lakeland, Auburndale and Winter Haven. The Commission is of the opinion that this transfer is in the public interest, will improve transportation facilities in the territory involved, and will benefit the carriers involved.

5. D. E. Hunt at the hearing testified that upon approval of the transfer he would operate the schedules of Central Truck Lines assigned to him without change. In view of the operating changes being made, both applicants should file with the Commission new schedules showing their changed service in this territory. Such new schedules will be approved without further order of the Commission if they are in accord with this order.

WHEREFORE it is CONSIDERED, ORDERED and ADJUDGED by the Railroad Commission of the State of Florida that the joint application for approval by the Railroad Commission of the agreement to transfer the portion of Certificate of Public Convenience and Necessity No. 56 described above from Central Truck Lines, Inc., to D. E. Hunt is hereby APPROVED and consent is hereby given for such transfer.

It is further ORDERED that this order shall become effective upon the filing with the Commission by each of the applicants of their new operating schedules in the territory described in this order, showing the effective date of such new schedules, and upon the payment down to said date of all mileage taxes due the State of Florida by Central Truck Lines for the operations transferred.

DONE and ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 30th day of May, 1938.

ORDER NO. 1071,

DOCKET NO. 400.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF RYDER TRUCKING COMPANY, FOR EXTENSION OF CERTIFICATE NO. 204, TO HAUL UNDER CONTRACT, GYPSUM BOARD AND GYPSUM PLASTER FROM MIAMI, FLORIDA, TO HOLLYWOOD, FORT LAUDERDALE, POMPAN0, DEERFIELD, DELRAY BEACH, BOYNTON, LAKE WORTH, WEST PALM BEACH, STUART AND FORT PIERCE FOR U. S. GYPSUM COMPANY.

1. Pursuant to Notice No. 568 dated March 23, 1938, this matter came on for formal hearing before the Railroad Commission at the Court House, Fort Lauderdale, Florida, on April 15, 1938, and was heard by Commissioner Douglass who had been designated by the Commission to hear said cause and report his findings to the Commission. The following appeared at said hearing:

Hon. William J. Pruitt appearing for the applicant Ryder Trucking Company.

Mr. Scott of the firm of Fleming, Hamilton and Diver representing the Receivers of the Seaboard Air Line Railway.

Mr. Elliott representing Elliott-Young Consolidated and Tamiami Trail Tours, Inc.

Mr. Brunson representing Florida East Coast Railroad.

2. The applicant is a partnership and the holder of Certificate of Public Convenience and Necessity No. 204 which authorizes it to haul as a Private Contract Carrier cement for various builders supply companies between Miami and certain points on the East Coast of Florida. This application seeks an extension of this Certificate to permit the hauling of gypsum board and gypsum plaster for the United States Gypsum Company.

3. It appears from the testimony that the products named are shipped into Miami by rail and boat, stored there, and sold by the Gypsum Company to builders and dealers in builders supplies throughout the lower East Coast area. The materials are sold in large quantities and it appears that delivery by a specially equipped open flat truck is essential. Loading and unloading are efficiently accomplished to the convenience of consignees. Orders must be filled immediately on demand. It does not appear that the protesting rail carriers or common carrier truck lines are able to furnish the service required in the delivery of these products.

4. Commissioner Douglass has made his report to the Commission on this application and has recommended that the Commission APPROVE

same; and the Commission has considered the effect that the granting of this application may have upon transporting facilities in the area involved and upon transportation as a whole therein, and the effect upon the congestion and safety in highway traffic, and is of the opinion that Public Convenience and Necessity require the granting of this application.

WHEREFORE it is CONSIDERED ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of Ryder Trucking Company to extend its Certificate of Public Convenience and Necessity No. 204 to haul under contract of the United States Gypsum Company gypsum board and gypsum plaster from Miami, Florida, to Hollywood, Fort Lauderdale, Pompano, Deerfield, Delray Beach, Boynton, Lake Worth, West Palm Beach, Stuart and Fort Pierce, be and the same is hereby APPROVED.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 30th day of May, 1938.

ORDER NO. 1072,

DOCKET NO. 100-12, 100-13.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: JOINT APPLICATION OF ELLIOTT-YOUNG CONSOLIDATED, INC. AND TAMIAMI TRAIL TOURS, INC. FOR APPROVAL OF THE TRANSFER OF THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND ALL OPERATING RIGHTS OF ELLIOTT-YOUNG CONSOLIDATED, INC.

1. Pursuant to Notice No. 570, the above application came on for hearing before the Railroad Commission of the State of Florida at its Hearing Room in the County Court building, W. Palm Beach, Florida, on April 27, 1938, and was heard by Commissioner Douglass who had been designated by the Commission to hear said cause and report his findings to the Commission. The following appeared at said hearing:

Hon. A. Pickens Coles, appearing for the joint applicants, Elliott-Young Consolidated, Inc., and Tamiami Trail Tours, Inc.

2. This application is for approval of the transfer to Tamiami Trail Tours, Inc., the holder of Certificate of Public Convenience and Necessity No. 28, of all the Motor Freight Common Carrier operating rights now held by Elliott-Young Consolidated, Inc. The certificated rights of Elliott-Young Consolidated, Inc., are evidenced by original certificates numbered 22 and 93, and by certificates numbered 59 and 102, which have been transferred to Elliott-Young Consolidated, Inc., and by Order No. 183,

which extends the certificate rights to include the hauling of household goods from West Palm Beach to any point in the State of Florida. In addition to the household goods authority, the rights sought to be transferred cover the transportation of freight over State Highway No. 4 between Miami and Jupiter, over State Highway No. 25, between West Palm Beach and Clewiston, over State Highway No. 194, between Okeechobee and the Junction of State Highway 194 with 25, over State Highway No. 143 between Belle Glade and Canal Point, over State Highway numbered 85 and 29 between Okeechobee and Jupiter via Indian Town and over State Highway No. 8 between Okeechobee and Fort Pierce. It appears that the operation from Okeechobee to Fort Pierce has been suspended, although no express order has been made by the Commission covering the matter.

3. Tamiami Trail Tours, Inc., is the holder of Certificate No. 28 and is a Common Carrier of freight between Tampa and Miami and covers the entire southwest section of the State between these two points. It connects with Elliott-Young Consolidated at Miami, Clewiston, and Okeechobee.

4. Commissioner Douglass has made his report to the Commission on this application and has recommended that the Commission approve same; and the Commission has considered the application and the testimony in support thereof, and is of the opinion that said transfer will be in the public interest and improve transportation within the territory involved.

WHEREFORE it is CONSIDERED, ORDERED and ADJUDGED by the Railroad Commission of the State of Florida that the joint application for approval by the Railroad Commission of the transfer of all operating rights of Elliott-Young Consolidated, Inc., to Tamiami Trail Tours, Inc., be and the same is hereby APPROVED and consent is hereby given for such transfer.

It is further ORDERED that this order shall become effective upon the approval by the Commission of the new operating schedules of Tamiami Trail Tours, Inc., in the territory now served by Elliott-Young Consolidated, Inc., and upon the payment to the State of Florida by Elliott-Young Consolidated, Inc., of all mileage taxes due. Such new operating schedules will be approved without further order of the Commission if they are the same as those now in effect.

DONE and ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 30th day of May, 1938.

ORDER NO. 1074.

DOCKET NO. 199.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: PETITION OF OVERSEAS TRANSPORTATION CO., INC., OF MIAMI, FLORIDA, TO ABANDON NO NAME KEY AS A REGULAR POINT OF CALL.

Overseas Transportation Company, Inc., of Miami, Florida, is the holder of Motor Freight Common Carrier Certificate of Public Convenience and Necessity No. 146 authorizing a daily service between Miami and Key West, Florida. This petition shows that a new highway has been constructed over the Keys leading into Key West, and that the point on the schedule of the petitioner known as No Name Key is on the old highway approximately five (5) miles distant from the new road, and that there is no need of regular service to that point.

WHEREFORE it is **CONSIDERED, ORDERED** and **ADJUDGED** by the Railroad Commission of the State of Florida that Overseas Transportation Company, Inc., is hereby authorized to **ABANDON No Name Key** as a regular point of call on its schedule and to service said point as an off-line station upon call.

DONE and **ORDERED** by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 30th day of May, 1938.

ORDER NO. 1075.

DOCKET NO. 100-10.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF ST. JOHNS RIVER LINE CO. FOR TEMPORARY ADJUSTMENTS AND CHANGES IN CERTAIN MOTOR TRUCK SCHEDULES.

1. This petition seeks authority to temporarily change what are now known as the applicant's Schedules Nos. 4, 5 and 8, which cover the operations of the petitioner between the cities of Ocala, Leesburg, Groveland, Orlando, Mt. Dora, Sanford, Astor, and intermediate points. It is proposed to operate in lieu of these schedules new schedules designated as Temporary Schedule No. 4-A, and Restricted Schedules Nos. 4 and 5.

2. The proposed new Temporary and Restricted schedules are attached to this order and made a part hereof. These are:

Time Table No. 3, Temporary Schedule No. 4-A.

Time Table No. 3, Restricted Schedule No. 4.

Time Table No. 3, Restricted Schedule No. 5,
Time Table No. 3, Schedule No. 5,
Time Table No. 3, Schedule No. 4,
Time Table No. 3, Schedule No. 8.

3. The applicant desires only temporary changes as stated above, for the purpose of experimenting with the view of later formally petitioning the Commission for a permanent revision of Schedules 4, 5, and 8. It is ultimately desired to affect a saving in the operations within this territory in keeping with an alleged decrease in the volume of traffic handled.

4. In view of the showing made by the petitioner it is the opinion of the Commission that the temporary changes sought should be granted subject to the right to have a hearing in the event any protest is filed.

WHEREFORE it is CONSIDERED, ORDERED and ADJUDGED by the Railroad Commission of the State of Florida that the Schedules of the St. Johns River Line Company attached hereto and made a part of this order be and are hereby APPROVED as Temporary Schedules as of May 18, 1938, and subject to the further order of the Commission.

DONE and ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 30th day of May, 1938.

ORDER NO. 1076,

DOCKET NO. 100-40.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF COATS MOTOR TRANSFER CO. OF FT. PIERCE, FLORIDA, FOR EXTENSION OF CONTRACT CARRIER CERTIFICATE NO. 46 TO HAUL GROCERIES AND GOODS, WARES AND MERCHANDISE FOR THE GREAT ATLANTIC & PACIFIC TEA CO. FROM JACKSONVILLE TO VARIOUS POINTS IN THE STATE OF FLORIDA.

1. Pursuant to Notice No. 568 the above application came on for formal hearing before the Railroad Commission of the State of Florida at the County Court House in Fort Lauderdale, Florida, on April 12, 1938, Commissioner Douglass having been designated by the Commission to conduct said hearing and to report his findings to the Commission. The following appeared at said hearing:

Mr. J. G. Coats representing the applicant.

Mr. J. H. Elliott for Elliott-Young Consolidated and Tamiami Trail Tours, Inc.

Mr. Scott of the office of Fleming Hamilton and Diver for
Receivers of the Seaboard Air Line Railway.

Mr. Brunson for Florida East Coast Railroad.

2. The applicant is the holder of Motor Freight Contract Carrier Certificate No. 46 authorizing the transportation as a Contract Carrier for certain products from Ft. Pierce, Florida, to other points on the lower East Coast. This application seeks approval of a contract with the Great Atlantic & Pacific Tea Co. to haul its products from Jacksonville to Ft. Pierce, Vero Beach, Stuart, Okeechobee, Bell Glade, Pahokee, West Palm Beach, Palm Beach, Lake Worth, Delray, Florida. It developed at the hearing that the applicant was not prepared to present his case or to prove the essential elements of his application. There was no one present to testify on behalf of the Great Atlantic & Pacific Tea Co.

3. Commissioner Douglass having made his report to the Commission and having recommended to the Commission that final determination of this application be postponed pending further hearing at such time as the applicant is prepared to present his case, and the Commission having approved the same; it is therefore, **CONSIDERED, ORDERED and ADJUDGED** by the Railroad Commission of the State of Florida that the application of Coats Motor Transfer Co. for extension of Certificate No. 46 to haul under contract with the Great Atlantic & Pacific Tea Co. be and the same is hereby **DENIED WITHOUT PREJUDICE** to the right of the applicant to renew said application at some future date.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 30th day of May, 1938.

ORDER NO 1077,

DOCKET NO. 164.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: REVISION OF RULE 8, GOVERNING INSURANCE REQUIRE-
MENTS FOR CERTIFICATED CARRIERS.

1. The above matter came on for hearing pursuant to Notice No. 572 before the Railroad Commission at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on June 2, 1938. At the hearing the only appearance was by Mr. E. L. Robinson with United States Fidelity and Guaranty Company.

2. The hearing was called primarily to change the insurance rule to provide for the filing of a Certificate of Insurance in lieu of the original insurance policy, as heretofore required. After hearing the testimony the

Commission is of opinion that several clarifying changes should be made in the Insurance Rule, both to effectuate the desire to have Certificates of Insurance filed instead of the policies, and also to make for greater uniformity with the new Federal regulations on the subject.

3. Attached to, and hereby made a part of this Order as **EXHIBIT "A,"** is rule 8, as amended by this Order. The changes made in this rule are four in number.

- (A) *A CERTIFICATE OF INSURANCE* is required to be filed in lieu of the original policy.
- (B) *A NOTICE OF CANCELLATION OR EXPIRATION* is required to be filed by the Insurance Company before its liability ends under a Certificate of Insurance.
- (C) *THE EXPIRATION OR CANCELLATION DATE* for insurance policies has been eliminated.
- (D) The third paragraph of the endorsement required covering persons and property, except cargo, is restated to more definitely state the limits of liability under the endorsement.

4. The Commission being of opinion that these changes in the insurance rule will enable it to better enforce its insurance requirements and enable auto transportation companies to secure the required insurance easier through a more uniform and simplified procedure, and that a change in this rule would be of benefit to the carriers and to the public:

It is, therefore, **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Rule No. 8 of the Rules and Regulations of the Commission governing the liability and property damage insurance required of auto transportation companies operating under the jurisdiction of the Commission be and the same is hereby amended to read in accordance with **EXHIBIT "A"** attached to and made a part of this Order.

It is further **ORDERED** that Rule 8, as amended by this Order, shall be and become effective on June 30, 1938.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 4th day of June, 1938.

**RULE EIGHT (8) OF THE RULES AND REGULATIONS OF THE
FLORIDA RAILROAD COMMISSION AS AMENDED BY
ORDER NO. 1077 DATED JUNE 4, 1938.**

**RULE 8. LIABILITY AND PROPERTY DAMAGE INSURANCE,
SURETY BOND OR DEPOSIT.**

(a) After the date of the order granting an application for a certificate, or "For Hire" Permit, and before such a certificate or permit shall issue, the applicant shall secure liability and property damage insurance in the amounts hereinafter prescribed with some casualty or insurance company authorized to do business in the State of Florida, covering all motor vehicle equipment to be operated by applicant in the State of Florida, in the course of his business as an auto transportation company.

(b) Such insurance shall not be less than the minimum amounts shown in the following schedules:

BUS AND PASSENGER CARS

12 passenger capacity and less, \$5,000.00—\$10,000.00 Liability,
\$1,000.00 Property Damage.

13 passenger to 20 passenger capacity, \$5,000.00—\$15,000.00
Liability, \$1,000.00 Property Damage.

21 to 30 Passenger capacity, \$5,000.00—\$20,000.00 Liability,
\$1,000.00 Property Damage.

Over 30 passenger capacity, \$5,000.00—\$25,000.00 Liability,
\$1,000.00 Property Damage.

Each bus including reserve equipment must be covered by such insurance.

TRUCK

\$5,000.00—\$10,000.00 Liability, \$1,000.00 Property Damage.

Minimum of \$500.00 Cargo Insurance to be filed by Common Carriers.

Each Truck including reserve equipment must be covered by such insurance.

(c) All such insurance policies shall provide for fleet or blanket coverage of all motor vehicle equipment of the assured operated under the jurisdiction of the Commission; provided, however, that any Auto Transportation Company operating less than five vehicles, which cannot secure this class of insurance, may carry individual policies.

(d) The following form of endorsement must be attached to all such insurance policies:

**ENDORSEMENT
COVERING PERSONS AND PROPERTY EXCEPT CARGO**

The policy to which this endorsement is attached is written in pursuance of and is to be construed in accordance with Section 6, Chapter 14,764, Laws of Florida, 1931, and the Rules and Regulations of the Railroad Commission of Florida adopted thereunder and in force at the date hereof. The purpose of this endorsement is to make certain during the term of said policy and any renewal thereof the liability of the Company to any person injured in person or property by the negligence of the insured as hereinafter set forth.

In consideration of the premium stated in the policy to which this endorsement is attached, the Company agrees to pay to the judgment creditor any final judgment rendered against the insured upon a liability hereunder within the limits set forth in the schedule shown hereon and further agrees that upon its failure to pay any such final judgment such judgment creditor may maintain an action against the Company in the proper Court to compel such payment.

And the said Company for the consideration aforesaid, by the policy of insurance to which this endorsement is attached, hereby insures and agrees to indemnify the insured during the term of said policy or any renewal thereof, against loss sustained by reason of bodily injury to or the death of any person or loss of or damage to property of others (excluding injury to or death of the insured's employees while engaged in the course of their employment, and loss or damage to property of the insured, and property transported by the insured, designated as cargo) while said property is loaded for shipment or in transit or in the custody and control of the insured and while operating as an Auto Transportation Company the motor vehicle or vehicles, trailer or trailers, enumerated in the schedule of statements or any substituted or emergency vehicle, under and in accordance with a Certificate of Public Convenience and Necessity or a Permit issued by the Railroad Commission of Florida, notwithstanding, and in addition to, liability risks of a different character, if any, provided for in said policy.

No condition, provision, stipulation or limitation contained in the policy or any other endorsement thereon, nor the violation of any of the same by the insured shall effect in any way the right of any persons injured in person or property by the negligence of the insured or relieve the Company from the liability provided for in this endorsement, or from the payment to such person of any such judgment within the limits set forth in the schedule shown hereon; but the conditions, provisions, stipulations and limitations contained in the policy, and, or any other endorsements thereon shall remain in full force and be binding as between the insured and the Company.

The policy to which this endorsement is attached shall not expire nor shall cancellation take effect until after thirty (30) days notice in writing, by the Company, shall have first been given to the Railroad Commission of Florida at its office in Tallahassee, Florida, said thirty (30) days notice to commence to run from the date notice is actually received at the office of the Commission.

Attached to and forming part of Policy No.

.....
Authorized Agent.

(e) The following form of endorsement must be attached to all such insurance policies, covering freight carrying motor vehicles of common carriers:

ENDORSEMENT COVERING CARGO

The policy to which this endorsement is attached is written in pursuance of and is to be construed in accordance with Section 6, Chapter 14,764, Laws of Florida, 1931, and the Rules and Regulations of the Railroad Commission of Florida adopted thereunder, and in force at the date hereof. The purpose of this endorsement is to make certain during the term of said policy and any renewal thereof the liability of the Company to any person for the loss of, or damage to, property.

In consideration of the premium stated in the policy to which this endorsement is attached, the Company agrees to pay to the judgment creditor any final judgment rendered against the insured upon a liability hereunder within the limits set forth in the schedule shown hereon and further agrees that upon its failure to pay any such final judgment such judgment creditor may maintain an action against the Company in the proper court to compel such payment.

And the said Company for the consideration aforesaid, by the policy of insurance to which this endorsement is attached hereby insures and agrees to indemnify the insured during the term of said policy or any renewal thereof, for loss of any property (except the insured's property) and for damage to property carried in or upon any freight carrying motor vehicle or trailer insured hereunder in excess of \$50.00, while said property is loaded for shipment or in transit or in the custody and control of the insured while operating as a common carrier the motor vehicle or vehicles enumerated in the schedule of statements or any substituted or emergency vehicle, under and in accordance with a certificate of public convenience and necessity issued by the Railroad Commission of Florida, notwithstanding, and in addition to liability from risks of a different character, if any, provided for in said policy.

No condition, provision, stipulation, or limitation contained in the policy or any other endorsement thereon, nor the violation of any of the

same by the insured shall effect in any way the right of any person injured in his property by the insured or relieve the Company from the Liability provided for in this endorsement, or from the payment to such person of any such judgment, within the limits set forth in the schedule shown hereon; but the conditions, provisions, stipulations and limitations contained in the policy, and any other endorsements thereon shall remain in full force and be binding as between the insured and the Company.

The policy to which this endorsement is attached shall not expire nor shall cancellation take effect until after thirty (30) days notice in writing, by the Company, shall have first been given to the Railroad Commission of Florida, at its office in Tallahassee, Florida, said thirty (30) days notice to commence to run from the date notice is actually received at the office of the Commission.

Attached to and forming party of Policy No. _____
issued by the _____ to _____

Authorized Agent.

(f) Proof that insurance in accordance with this Rule is carried by every auto transportation company shall be made by the filing with the Commission of a Certificate of Insurance in the following form:

<p>RECEIVED AND APPROVED this _____ day of _____ 19_____ FLORIDA RAILROAD COMMISSION By _____</p>	<p>CERTIFICATE OF INSURANCE (To be executed in triplicate) Filed with the Florida Railroad Commission.</p>
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This is to certify that all the motor vehicle equipment operated by the Auto Transportation Company undermentioned in the State of Florida is insured with the _____

Name of Company _____
_____ in full compliance with Rule

Name of Company _____

8, of the Rules and Regulations of the Florida Railroad Commission, and Chapter 14,764, Laws of Florida, Acts of 1931, as amended, under the following policies:

KIND OF POLICY	NUMBER
_____	_____
_____	_____
_____	_____

DESCRIPTIVE SCHEDULE

Auto Transportation Company

Address of Auto Transpt. Co.

Certificate or Permit Number

Such insurance shall not expire nor shall cancellation take effect until after thirty (30) days written notice in writing shall be given by the undersigned to the Florida Railroad Commission, at its office in Tallahassee, Florida.

Whenever requested by the Commission, the undersigned agrees to furnish to the Commission a duplicate original of such insurance policy and all endorsements thereon.

Dated this day of 193.....

NAME OF COMPANY

.....

BY

Signature of Authorized Agent.

(g) Upon the filing of said Certificate of Insurance, the insurance covering the Auto Transportation Company named therein shall not expire nor shall cancellation take effect until thirty (30) days after the filing with the Commission of a Notice of Cancellation in the following form:

**NOTICE OF CANCELLATION OR
EXPIRATION OF INSURANCE
FILED WITH
FLORIDA RAILROAD COMMISSION**

(To be executed in
triplicate)

Received this day of 19.....

FLORIDA RAILROAD COMMISSION

BY

TO: FLORIDA RAILROAD COMMISSION
Tallahassee, Florida.

This is to advise that the insurance required under Section 6, of Chapter 14,764, Laws of Florida, Acts of 1931, and the Rules and Regulations of the Florida Railroad Commission, carried by the undersigned in favor of

(Name of Auto Transportation Co.)

....., under the following policy.
(Address of Auto Transportation Company)

KIND OF POLICY	NUMBER
.....	
.....	
is hereby cancelled or has expired, effective as of the	
day of 19, 12:01 A. M., standard time at the	
address of the insured as stated above, provided said date is not less than	
thirty (30) days after the receipt of this notice by the Florida Railroad	
Commission.	

NAME OF INSURANCE CO.

By
Signature of Authorized Agent.

Three copies of the above Notice of Cancellation shall be filed, one of which will be returned to the Insurance Company or to its Agent.

(h) Any applicant or Auto Transportation Company may, in lieu of carrying insurance as hereinabove provided, file with the Commission a Surety Bond to be approved by the Commission or may deposit cash or bonds of the U. S. Government or of any City or County in the State of Florida, approved by the Commission in an amount prescribed by the Commission.

ORDER NO. 1078,

DOCKET NO. 560.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF W. A. ARMSTRONG OF BRADENTON, FLORIDA, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS COMMON CARRIER TRANSPORTING PASSENGERS FROM BRADENTON, FLORIDA, TO BRADENTON BEACH AND ANNA MARIA, FLORIDA.

1. The above application came on for formal hearing before the Railroad Commission of the State of Florida, pursuant to Notice No. 571, at Tallahassee, Florida, on June 3, 1938. The only appearance was by W. A. Armstrong, the applicant.

2. The application seeks a Certificate of Public Convenience and Necessity to operate a common carrier passenger service between Bradenton, Florida, Bradenton Beach and Anna Maria. The latter towns are resorts on the Gulf of Mexico west of Bradenton. The highway route to these towns runs about a mile south of Bradenton on the Tamiami Trail, thence west on State Highway No. 18-A about nine miles to Bradenton Beach and thence north along the island about seven miles to Anna Maria. The total distance is about eighteen miles.

3. It appears that these communities have no transportation service except that of taxicabs operating out of Bradenton under Permits from the Railroad Commission. These beaches west of Bradenton are growing and the Commission is of opinion that there is now, or will be in the near future, a real need for regular transportation service to these points. In order to better meet the needs of this service, the applicant requested and was allowed to amend his application at the hearing to include the transportation of mail and light express as well as passengers, and to include the City of Palmetto as well as Bradenton as a terminus for the operation. The Commission finds that public convenience and necessity will be served by the granting of the application as amended.

It is thereupon **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of W. A. Armstrong of Bradenton, Florida, for a Certificate of Public Convenience and Necessity to operate as a motor vehicle common carrier of persons, mail and light express between the cities of Palmetto, Bradenton, Bradenton Beach and Anna Maria over State Highways Nos. 5 and 18-A is hereby **GRANTED**.

It is further **ORDERED** that the schedules and proposed rates as set forth in Exhibits "E" and "F" of the application are hereby **APPROVED**, and fixed as the rates and schedules of the applicant until the further order of the Commission.

It is further **ORDERED** that this order and the Certificate of Public Convenience and Necessity granted herein shall become effective upon the applicant meeting the requirements of the Commission relative to insurance and the qualification of the vehicles to be used in the operation.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 3d day of June, 1938.

ORDER NO. 1079,

DOCKET NO. 551.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF PORT EVERGLADES TERMINAL COMPANY OF FORT LAUDERDALE, FLORIDA, FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO TRANSPORT UNDER CONTRACT BY MOTOR VEHICLE, PLASTER, PLASTERBOARD, LIME, METAL LATH, PAINT, GYPSUM BLOCKS AND OTHER RELATED ARTICLES MANUFACTURED BY THE NATIONAL GYPSUM COMPANY FROM PORT EVERGLADES, FLORIDA, TO LOCAL DEALERS AND DISTRIBUTORS WITHIN A RADIUS OF 130 MILES OF PORT EVERGLADES, FLORIDA.

1. This application came on for hearing before the Railroad Commission of the State of Florida pursuant to Notice No. 568 dated March 23, 1938, at the Court House, Fort Lauderdale, Florida, on April 12, 1938, and was heard by Commissioner Douglass who had been designated by the Commission to hear said cause and report his findings to the Commission. The following appeared at said hearing:

R. R. Saunders, representing Port Everglades Terminal Company; C. R. Scott of Fleming, Hamilton & Diver, for Receivers of Seaboard Air Line Railway; B. M. Brunson for Florida East Coast Railroad; J. H. Elliott for Elliott-Young Consolidated and Tamiami Trail Tours, Inc., and Henry Marshall for Marshall Transfer Company.

2. The applicant here is a corporation engaged in the business of handling freight traffic in and around the harbor at Port Everglades, Florida. Applicant engages in stevedoring, handling the freight in and around the port by motor vehicle, and acts as agent at the port for certain concerns including the National Gypsum Company. This application seeks a Contract Carrier Certificate of Public Convenience and Necessity to transport only the builders supplies of the Gypsum Company from Port Everglades to the local dealers of the Gypsum Company in the area within 130 miles of Port Everglades. It appears that for the past several months the Gypsum Company has been delivering its products to its dealers in its own trucks. This operation would shift the movement of these products to the vehicles of the applicant who is at present performing all other services connected with the handling of the National Gypsum products from the time they arrive at the Port.

3. The testimony shows that the Gypsum' Company's products are shipped to Port Everglades by rail and boat in large quantities, are stored there and sold in carload or truckload quantities to dealers in builders supplies throughout the lower East Coast area. The incoming shipments

come to a complete rest and the deliveries to be made under this contract constitute intrastate commerce and therefore within the jurisdiction of this Commission. These builders supplies are sold in large quantities and it appears that delivery by specially equipped open flat trucks is needed. Orders must sometime be filled on demand. It does not appear that the protesting rail and common carrier truck lines can furnish the service needed for the transportation of these products.

4. Commissioner Douglass has made his report to the Commission on this application and has recommended that the Commission approve same; and the Commission has considered the effect that the granting of this application may have upon transportation facilities in the area involved and upon transportation as a whole therein, and the effect upon the congestion and safety in highway traffic, and is of the opinion that public convenience and necessity require the granting of this application.

WHEREFORE, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that this application be and the same is hereby APPROVED, and Port Everglades Terminal Company is hereby GRANTED a Certificate of Public Convenience and Necessity as a Private Contract Carrier by motor vehicle to transport under contract plaster, plasterboard, lime, metal lath, paint, gypsum blocks and other related articles manufactured by the National Gypsum Company from Port Everglades, Florida, to local dealers and distributors within a radius of 130 miles of Port Everglades, Florida .

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 27th day of June, 1938.

ORDER NO. 1080,

DOCKET NO. 216.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF L. R. POWELL, JR., AND HENRY W. ANDERSON, AS RECEIVERS OF SEABOARD AIR LINE RAILWAY COMPANY, A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO TRANSPORT FREIGHT, EXPRESS AND/OR UNITED STATES MAIL IN INTERSTATE COMMERCE ONLY BY MOTOR VEHICLE DAILY, EXCEPT SUNDAY, BETWEEN TAMPA AND SEBRING VIA MULBERRY, BARTOW, LAKE WALES, FROSTPROOF AND AVON PARK, AND BETWEEN LAKE WALES AND AUBURNDALE VIA WINTER HAVEN USING STATE HIGHWAYS 23, 41, 79, 17, 8 AND COUNTY ROADS UNDER THE PROVISIONS OF CHAPTER 18027, ACTS OF 1937.

1. On June 13, 1938, applicants filed with this Commission their application for authority to operate motor vehicles in the transportation of freight, express and/or United States mail in intrastate commerce only over the following routes and highways—Southbound from Tampa to Mulberry over State Roads 23, 41, 79; from Mulberry to Bartow to Lake Wales over State Highway 79; from Lake Wales to Winter Haven over Highways 79, and 17 and county roads; from Winter Haven to Auburndale over County Roads and from Lake Wales to Avon Park to Sebring over State Road No. 8—NORTHBOUND from Sebring to Avon Park to Lake Wales over State Road No. 8; from Lake Wales to Bartow to Mulberry and thence to Tampa over State Roads 79, 41 and 23, pursuant to the provisions of Chapter 18027, Laws of Florida, Acts of 1937.

2. Chapter 18027, Laws of Florida, Acts of 1937 amended Section 27 of Chapter 14764, Laws of Florida, Acts of 1931, and extended to railroad companies the privilege of securing from the Railroad Commission a Certificate of Public Convenience and Necessity to carry freight, express and/or mail over certain public highways as a matter of right without notice of public hearing or proof of necessity therefor and thus enabled them to supplement freight and express service with a more economic and expeditious truck service as to the freight and express handled by the Railroad Companies. (See CENTRAL TRUCK LINES, INC. -vs- RAILROAD COMMISSION, STATE OF FLORIDA AND RECEIVERS OF SEABOARD AIR LINE RAILWAY COMPANY, decided February 9, 1938, and reported in ——— SOU. ———).

3. Upon consideration of this application filed under the provisions of the above mentioned section of the statutes, the Commission finds:

- (a) That L. R. Powell, Jr., and Henry W. Anderson are the Receivers of Seaboard Air Line Railway Company, and as such Receivers have made a proper application to operate motor vehicles for the transportation of freight, express and/or United States mail over certain highways described therein.
- (b) That said Highways are the most practicable routes located nearest to the rail line of the Seaboard Air Line Railway Company and which are generally and usually used between the communities served by said rail line described in said application.
- (c) That the applicants have attached to their application a schedule upon which they propose to operate trucks as between the points it desires to serve under said application, and have agreed that the rates and charges for transportation by motor vehicle under said application shall and will be the same they are now authorized to charge for transportation by rail.
- (d) That under the terms and provisions of Chapter 18027, Laws of Florida, Acts of 1937, this Commission is required as a matter of right and without a hearing to grant a Certificate of Public Convenience and Necessity for the service sought.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Receivers of Seaboard Air Line Railway Company for a Certificate of Public Convenience and Necessity authorizing them to supplement their freight and express service by rail by operating motor vehicles for the transportation of freight, express and/or United States mail between Tampa and Sebring via Mulberry, Bartow, Lake Wales, Frostproof and Avon Park, and intermediate points, using Highways 23, 41, 79, 17 and 8, with closed doors through Frostproof, and between Lake Wales and Auburndale via Winter Haven and intermediate points using State Roads 79, and 17 and County Roads, be and the same is hereby **GRANTED**.

It is further **ORDERED** that Time Table No. 1, Schedule No. 4, between Tampa and Sebring Southbound, and Time Table No. 1, Schedule No. 4, between Sebring and Tampa Northbound, copies of which are hereto attached and made a part of this Order are hereby approved as the schedules upon which they shall conduct their said operations.

It is further **ORDERED** that the rates and charges for the transportation by motor vehicle of commodities under this application shall be the same as those which the Receivers of Seaboard Air Line Railway Company are now authorized to charge for the transportation of the same commodities by rail.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the city of Tallahassee, this 30th day of June, 1938.

ORDER NO. 1081,

DOCKETS NOS. 100-121,
100-124.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN THE MATTER OF JOINT APPLICATION OF GULF CRESCENT
MOTOR LINES, INC., AND FLORIDA MOTOR LINES CORPORATION
FOR APPROVAL OF TRANSFER OF CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY NO. 100, COVERING
OPERATIONS BETWEEN TALLAHASSEE, WILLISTON, DUNNEL-
LON AND OCALA OVER STATE ROADS NOS. 5, 19, 74 AND
COUNTY ROADS, FROM GULF CRESCENT MOTOR LINES, INC.,
TO FLORIDA MOTOR LINES CORPORATION.

1. Pursuant to Notice Nos. 541 dated April 2, 1937, this matter came on for formal hearing before the Railroad Commission of the State of Florida at the Seminole Hotel, Jacksonville, Florida, at 10 o'clock A. M. on April 19, 1937.

A. Y. Milam, Esq., of Milam, McIlvaine & Milam, appeared for applicants.

A. Pickens Coles, Esq., appeared for Tamiami Trail Tours, Inc.

2. It appeared from the joint application of Gulf Crescent Motor Lines, Inc., and Florida Motor Lines Corporation that Gulf Crescent Motor Lines, Inc., is the holder of Certificate of Public Convenience and Necessity No. 106 covering motor bus operations in the common carriage of passengers, baggage and express between Tallahassee, Williston, Dunnellon and Ocala, Florida over State Roads Nos. 5, 19, 74 and County Roads. It further appeared that Florida Motor Lines Corporation has been and is the holder of fifty percent of the issued and outstanding stock of Gulf Crescent Motor Lines, Inc., and has now also purchased and acquired the balance of the stock holdings in Gulf Crescent Motor Lines, Inc., heretofore held by Union Bus Company, and by reason of such purchase Florida Motor Lines Corporation is now the sole owner of all the issued and outstanding stock holdings of Gulf Crescent Motor Lines, Inc., and is, in fact, a holding company vested with all of such issued and outstanding stockholdings of its operating subsidiary Gulf Crescent Motor Lines, Inc.

3. It also appeared at the hearing and from the joint application that the Gulf Crescent Motor Lines, Inc., and Florida Motor Lines Cor-

poration are now desirous of vesting in one and the same corporation the ownership as well as the operation of the property and assets, including the Certificate of Public Convenience and Necessity of the Gulf Crescent Motor Lines, Inc., and, therefore, they have petitioned this Commission to permit the merger of Gulf Crescent Motor Lines, Inc., and Florida Motor Lines Corporation, and further asked that Certificate of Public Convenience and Necessity No. 106 be assigned and transferred to Florida Motor Lines Corporation.

4. At a hearing upon this application it was brought to the attention of this Commission that the Interstate Commerce Commission claimed jurisdiction of such merger and that a hearing before the Interstate Commerce Commission had been ordered under Section 213-A of the Federal Motor Carrier Act of 1935, and in view of this situation further action on the part of this Commission was deferred until action by the Interstate Commerce Commission upon such application and merger.

5. It now appears that the Interstate Commerce Commission acting by its Joint Board No. 205 at a hearing heretofore conducted on the proposed merger has by its formal order approved said merger and directed that Florida Motor Lines Corporation and Gulf Crescent Motor Lines, Inc., proceed to carry out said merger by prompt submission of its journal entries and related data and evidencing the fact that the merger approved by the Interstate Commerce Commission has been perfected. It further appears that there is now no objection on the part of Tamiami Trail Tours, Inc., to this merger or to the transfer and assignment of Certificate of Public Convenience and Necessity No. 106.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the transfer and assignment of Certificate of Public Convenience and Necessity No. 106 by Gulf Crescent Motor Lines, Inc., to Florida Motor Lines Corporation be and the same is hereby **APPROVED**, and Florida Motor Lines Corporation as the transferee of such Certificate is hereby directed to take over said operation heretofore conducted by Gulf Crescent Motor Lines, Inc., and to maintain and conduct the same under the same schedules and supplements thereto, and tariffs and supplements thereto, as heretofore practiced and enjoyed by Gulf Crescent Motor Lines, Inc.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the city of Tallahassee, Florida, this 8th day of July, 1938.

ORDER NO. 1082,

DOCKET NO. 100-79.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

**IN RE: JOINT APPLICATION OF THE JOHN P. NUTT CORPORATION
AND PETROLEUM CARRIER CORPORATION FOR APPROVAL OF
TRANSFER OF CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY NO. 19 FROM THE JOHN P. NUTT CORPORATION
TO PETROLEUM CARRIER CORPORATION.**

1. Pursuant to Notice No. 574 dated June 15, 1938, this matter came on for formal hearing before the Railroad Commission of the State of Florida at the Seminole Hotel, Jacksonville, Florida, at 10 o'clock A. M. June 29, 1938.

Martin Sack, Esq., represented the applicants.

2. It appears that the applicant, The John P. Nutt Corporation, is the owner and holder of Certificate of Public Convenience and Necessity No. 19. That on April 21, 1938 by amendment to its charter the name of The John P. Nutt Corporation was duly changed to Petroleum Carrier Corporation and this amendment has been approved by the Secretary of State of the State of Florida.

3. It further appears that Petroleum Carrier Corporation, one of the applicants, has agreed to adopt in every respect all instruments of whatsoever nature filed with the Commission under the name of The John P. Nutt Corporation, and has paid to the Comptroller of the State of Florida all mileage taxes due by the applicant The John P. Nutt Corporation.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the joint application of The John P. Nutt Corporation and Petroleum Carrier Corporation for approval of the transfer of Certificate of Public Convenience and Necessity No. 19, from The John P. Nutt Corporation to Petroleum Carrier Corporation, be and the same is hereby **APROVED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 8th day of July, 1938.

ORDER NO. 1083.

DOCKETS NOS. 100-35-199.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: JOINT PETITION OF D. H. MATTHEWS, DOING BUSINESS AS MATTHEWS TRUCK LINE, AND OVERSEAS TRANSPORTATION COMPANY, INC., FOR APPROVAL OF TRANSFER OF CERTIFICATE NO. 57, COVERING OPERATION IN COMMON CARRIER FREIGHT SERVICE OVER STATE ROAD NO. 4-A, BETWEEN MIAMI AND FLORIDA CITY, FROM D. H. MATTHEWS TO OVERSEAS TRANSPORTATION COMPANY, INC.

1. Pursuant to Notice No. 573, dated May 24, 1938, this matter came on for formal hearing before the Railroad Commission of the State of Florida at the Court House in Miami, Florida, on June 10th, 1938.

Leo P. Kitchen and Dan R. Schwartz, represented the applicants.

2. Joint petition has been filed by D. H. Matthews, doing business as Matthews' Truck Line, holder of freight Common carrier Certificate of Public Convenience and Necessity No. 57, and by Over-Seas Transportation Company, Inc., holder of a similar Certificate No. 146, for approval of the transfer of the Certificate and all the operating rights of the former to the latter. The parties have entered into a written agreement relative to the sale.

3. The Over-Seas Transportation Company, Inc., already operates over the route of Matthews Truck Line, that is, between Miami and Florida City on State Highway No. 4-A. In addition, Over-Seas operates on into Key West over this same highway. The manager of the Over-Seas Transportation Company, Inc., testified that his company would continue to operate the schedules of Matthews just as they are at present and without change. The Commission being of the opinion that this transfer is in the public interest.

It is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the sale and transfer of the Certificate of Public Convenience and Necessity and operating rights of D. H. Matthews, doing business as Matthews' Truck Line, to Over-Seas Transportation Company, Inc., be and the same is hereby APPROVED, and the consent of the Commission is hereby given for such transfer.

It is further ORDERED that this order shall become effective upon the filing with the Commission by the Over-Seas Transportation Company, Inc., of its new operating schedules incorporating the existing schedules of Matthews' Truck Line and showing the effective date of

such schedules, and upon the payment down to said date of all mileage taxes due the State of Florida by Matthews' Truck Line.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the city of Tallahassee, Florida, this 1st day of July, 1938.

ORDER NO. 1084,

DOCKET NO. 561.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF D. W. KNIFFIN, DOING BUSINESS AS
KNIFFIN TRANSFER COMPANY OF MIAMI, FLORIDA, FOR
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A
LIMITED COMMON CARRIER.

1. Pursuant to Notice No. 573 dated May 24, 1938, this matter came on for hearing before the Railroad Commission of the State of Florida at Room 600, County Court House, Miami, Florida, on June 10, 1938.

Ben Sheppard, Esq., and Norman C. Hendry, Esq., appeared for applicants.

Leo P. Kitchen and Dan R. Schwartz appeared for Over-Seas Transportation Company and Leonard Brothers Transfer & Storage Company, protestants.

J. H. Elliott, Esq., for Elliott Young Consolidated.

J. E. Morris, Esq., agent, Tamiami Trail Tours, filed an appearance.

2. The applicant, at the hearing, limited his application for a motor freight common carrier Certificate of Public Convenience and Necessity to the hauling of the following materials only in the territory within thirty-five miles of the boundaries of the City of Miami:

1. Heavy machinery weighing 3,000 pounds or more for any one unit.
2. Structural steel.
3. Boats.
4. Piling.
5. Trees.
6. Telephone poles.

3. The applicant has been engaged for several years in a general transfer business in Miami, specializing in hauling for the building trades heavy materials such as those named above. He is equipped with vehicles and auxiliary equipment especially designed to handle these heavy

materials. He seeks this authority from the Railroad Commission so that he can expand his business into the trade area around Miami.

4. The applicant and three of his customers testified as to the need for someone specially equipped to do heavy hauling in and around Miami. It does not appear that the protesting common carrier truck lines are able to furnish the special service needed in hauling the heavy materials named within this limited area. The Commission has considered the effect the granting of the Certificate may have upon transportation facilities in the territory involved, and finds that public convenience and necessity require the granting of this application.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of D. W. Kniffin, doing business as Kniffin Transfer Company, for a Certificate of Public Convenience and necessity as a limited common carrier, be and the same is hereby **GRANTED**, and the applicant is authorized under the Certificate to be issued to haul only within thirty-five miles of the boundaries of the City of Miami the following commodities:

1. Heavy machinery weighing 3,000 pounds or more for any one unit.
2. Structural steel.
3. Boats.
4. Piling.
5. Trees.
6. Telephone poles.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the city of Tallahassee, Florida, this 10th day of June, 1938.

ORDER NO. 1085.

DOCKETS NOS. 100-13 AND 382.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: JOINT APPLICATION OF H. O. ROOKS, DOING BUSINESS AS ROOKS COACH LINE AND TAMiami TRAIL TOURS, INC., FOR TRANSFER OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 197 FROM H. O. ROOKS TO TAMiami TRAIL TOURS, INC., COVERING COMMON CARRIAGE OF PASSENGERS AND LIGHT EXPRESS BETWEEN TALLAHASSEE, FLORIDA, AND BLOUNTSTOWN, FLORIDA, OVER STATE HIGHWAY NO. 19.

1. By Order No. 1063, dated February 26, 1938, this Commission approved the transfer of Certificate of Public Convenience and Necessity

No. 197 from H. O. Rooks, doing business as Rooks Coach Line to Tamiami Trail Tours, Inc. This order was entered after a full hearing and upon testimony adduced from representatives of both of the applicants. It was a joint application and both parties agreed to the transfer and sale of this certificate.

2. On April 27th, 1938, H. O. Rooks, one of the applicants, filed his petition for revocation of Order No. 1063 alleging that Tamiami Trail Tours, Inc., had failed, refused and neglected to abide by the terms and provisions of a certain contract entered into by the parties hereto, and had failed and refused to pay over to said Rooks the balance of the purchase price of said Certificate of Public Convenience and Necessity due by Tamiami Trail Tours, Inc., to the said H. O. Rooks under the terms and conditions of such contract; and further alleged that Tamiami Trail Tours, Inc., had failed and refused to take over and operate Certificate of Public Convenience and Necessity No. 197, and to relieve the said H. O. Rooks of such operation as was provided in said contract. Petitioner, H. O. Rooks, also alleged that he did serve upon Tamiami Trail Tours, Inc., his notice of election to rescind his contract of sale and transfer of said Certificate and that he had rescinded such contract. Petitioner, upon such allegations, prayed this Commission to make and enter its Order revoking and canceling its formal Order No. 1063, dated February 26, 1938, and to revest petitioner, H. O. Rooks, with the operating rights and privileges conferred upon him by Certificate of Public Conveniences and Necessity No. 197.

3. On May 17, 1938, Tamiami Trail Tours, Inc., filed its Motion to Dismiss the petition of H. O. Rooks, doing business as Rooks Coach Line, on the ground that under and by virtue of the Federal Motor Carrier Act of 1935, and especially by Section 213 of said Act, the Interstate Commerce Commission has jurisdiction over the merger of operating rights of motor carriers engaged in interstate commerce, and has, therefore, jurisdiction over the instant matter, and that it was necessary for Tamiami Trail Tours, Inc., to obtain the approval of the Interstate Commerce Commission prior to taking over the operating rights of H. O. Rooks under his Certificate of Public Convenience and Necessity No. 197, and that said Tamiami Trail Tours, Inc., had made application to the Interstate Commerce Commission pursuant to said Act for approval of such transfer and merger, and that the Interstate Commerce Commission had taken jurisdiction of the matter and set the same down for hearing before Joint Board No. 205 at Tallahassee, Florida, on May 10, 1938, and at that time had proceeded with the hearing in said matter but that no order has as yet been entered by the Interstate Commerce Commission. Tamiami Trail Tours, Inc., further stated that it was ready, able and willing to pay over to the said H. O. Rooks the balance of the purchase price of said Certificate No. 197 upon the approval by the Interstate Commerce Commission of the transfer of such Certificate to it.

4. On May 23, 1938 the motion of Tamiami Trail Tours, Inc., to dismiss the petition of H. O. Rooks was set down for oral argument before this Commission at Tallahassee, Florida.

A. Pickens Coles, Esq., appeared for Tamiami Trail Tours, Inc.

B. A. Meginniss, Esq., represented H. O. Rooks.

The principal contention of counsel for H. O. Rooks is that Order No. 1063, approving the sale and transfer of Certificate of Public Convenience and Necessity No. 197, should be canceled because the Tamiami Trail Tours, Inc., had violated the terms and provisions of the contract of sale by failing to pay to the said H. O. Rooks the balance of the purchase price of said Certificate, and quoted paragraph three of such contract, as follows:

"Third—The balance of the purchase price, to-wit: Three Thousand Three Hundred Fifty (\$3,350.00) Dollars, shall be paid at the time of the approval of the transfer by the Railroad Commission of the State of Florida."

Counsel for Tamiami Trail Tours, Inc., argued that H. O. Rooks well knew that it was necessary for the Tamiami Trail Tours, Inc., to apply to the Interstate Commerce Commission for approval of this transfer before it could operate this line for the reason that the joint application for approval of transfer of such Certificate filed with this Commission provided that the applicants would take such steps as might be necessary before the Interstate Commerce Commission to properly consummate such transfer before the said board, and that therefore the balance of the purchase price was not due to said H. O. Rooks until this merger and transfer should be approved by the Interstate Commerce Commission.

5. The original joint application of H. O. Rooks and Tamiami Trail Tours, Inc., for transfer of Certificate of Public Convenience and Necessity No. 197 contained this statement:

"IT IS MUTUALLY AGREED AND UNDERSTOOD by and between the applicants herein that upon the approval of the transfer herein sought that Tamiami Trail Tours, Inc., will assume any and all obligations due by H. O. Rooks, doing business as Rooks Coach Line, (1) for mileage taxes due the State of Florida, and (a) all valid unpaid C. O. D. claims; and further that the applicants hereto will take such steps as may be necessary before the Interstate Commerce Commission to properly consummate such transfer before said body."

When this Commission approved the transfer, and issued its Order No. 1063, a copy of said order was transmitted to H. O. Rooks, doing

business as Rooks Coach Line, and the letter of transmittal of copy of said order contained the following paragraph:

"As you note in the order there is a statement that the Tamiami Trail Tours, Inc., has agreed to take all necessary steps under the law to secure the approval of the Interstate Commerce Commission of this transfer. The Federal Act requires the approval of this merger before the Tamiami Trail Tours, Inc., can take over and operate your company. We have given our approval to the transfer but the Interstate Commerce Commission must also approve it. You will have to continue to operate this line, either directly or under arrangement with the Tamiami Trail Tours, Inc., until they can secure the right to operate from the Federal Commission."

6. The Motor Transportation Act of the State of Florida provides:

"No Certificate of Public Convenience and Necessity issued under the provisions of this Act may be assigned or transferred without the consent of the Railroad Commission authorizing such transfer." (Chapter 14764, Acts of 1931).

This provision of the statute requires the Railroad Commission to have a hearing and investigate and determine whether or not public convenience and necessity require such transfer, and if so the Commission should consent to such transfer and if not it should withhold its consent. This Commission, in the instant case, found that public convenience and necessity would be served by giving its approval to such transfer. As a general rule this Commission does not inquire into the terms and conditions of the contract for the sale and transfer of Certificates, but does inquire into the question of public convenience and necessity, and whether or not the transferee is a proper person to operate an auto transportation company. The Commission is not a collection agency to enforce the collection of claims against certificated carriers, nor has it the right to decree specific performance of a contract, nor to determine whether or not one party to a contract is entitled to a rescission thereof. These matters are for the Courts to determine.

The Commission therefore finds:

- (a) That Order No. 1063 was entered after due hearing upon joint application of both parties and upon evidence submitted showing public convenience and necessity for the transfer, and is the consent of this Commission to the transfer predicated upon the convenience and necessity of the public.
- (b) That questions of the validity of a contract between the parties of the specific performance or the rescission of the

contract or other questions as to the rights of the several parties are for the determination of the Courts and not for this Commission to pass upon.

- (c) That the matter of the pleadings filed by the respective parties and whether or not the material allegations of the petitioner are admitted by the motion to dismiss are questions of law between the parties and not binding upon this Commission as this Commission acts in the interest of the public primarily and not in the interests of either of the parties, and the rights of the public cannot be foreclosed nor adversely affected by the actions of the parties.
- (d) That the testimony adduced by both parties in the hearing upon the joint application for transfer showed that it was in the interest of the public that Tamiami Trail Tours, Inc., should operate this line and the consent of this Commission to the transfer was based solely on this evidence.
- (e) That H. O. Rooks is still in possession of his franchise and is operating the line as he did before the order was entered, and in addition has received a payment upon the alleged purchase price of his Certificate which he has not offered to return. He is not shown to have suffered any material injury but the summary cancelation of this order would deprive Tamiami Trail Tours, Inc., of any rights it may have acquired under such order and stop it from asserting them in the Courts.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the motion of Tamiami Trail Tours, Inc., to dismiss petition of H. O. Rooks for revocation of Order No. 1063 be and the same is hereby **GRANTED** and such petition is hereby **DISMISSED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 14th day of July, 1938.

COMMISSIONER DOUGLASS DISSENTS.

ORDER NO. 1086,

DOCKET NO. 497.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF PETER P. KOPLINSKI, TAMPA, FLORIDA,
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
AS LIMITED CARRIER TRANSPORTING HOUSEHOLD GOODS.

Pursuant to Notice No. 574 dated June 15, 1938, this matter came on for formal hearing before the Railroad Commission of the State of Florida at the Seminole Hotel, Jacksonville, Florida, on June 29th, 1938.

Leo P. Kitchen and Dan R. Schwartz appeared for the applicant.

No one appeared for protestants.

The applicant is a resident of Tampa, Florida, and seeks a common carrier Certificate of Public Convenience and Necessity limited to the transportation by motor vehicle anywhere in the State of household goods. He has been engaged for about a year in hauling household goods for the Trans-American Van Service, an interstate carrier operating out of Chicago and into Florida under the reciprocity agreement. The applicant drives for Trans-American a van which he owns and leases to them. For several years previous to May, 1936, he was engaged in the interstate transportation of household goods in his own name. Upon the granting of this Certificate he will continue to engage in the interstate hauling either through Trans-American or in his own name if the Interstate Commerce Commission grants the "Grandfather" application which he has filed.

The Commission has examined the record in this case, and has considered the effect that the granting of this application may have upon transportation facilities within the State and upon other household goods carriers, and finds that public convenience and necessity require the granting of the same.

Wherefore, it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Peter P. Koplinski be and he is hereby **GRANTED** a Certificate of Public Convenience and Necessity limited to the transportation by motor vehicle within the State of Florida of Uncrated Household Goods, Office Fixtures, Store Fixtures and Stock, as provided by Rule 7 of the Rules and Regulations of the Florida Railroad Commission governing the transportation of persons or property by motor vehicle.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the city of Tallahassee, Florida, this 8th day of July, 1938.

ORDER NO. 1087,

DOCKET NO. 100-10.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

PETITION OF ST. JOHNS RIVER LINE COMPANY FOR AUTHORITY TO TEMPORARILY CHANGE CERTAIN SCHEDULES OF OPERATION BETWEEN THE TOWNS OF OCALA, LEESBURG, GROVELAND, ORLANDO, SANFORD, MT. DORA, ASTOR AND INTERMEDIATE POINTS.

1. The above petition came on for hearing before the Railroad Commission of the State of Florida on August 22, 1938, at its hearing room in the Supreme Court building, Tallahassee, Florida, pursuant to notice No. 583 dated August 16, 1938. The following appeared:

Edward Drake, Jr., and G. F. Tresher for St. Johns River Line Co.

John M. Allison and Sidney Allen for Central Truck Lines.

L. A. Raulerson for Great Southern Trucking Co.

Martin Johnson representing W. L. Aiken and L & L Freight Lines.

John Hovarth for Star Truck Line.

2. The Commission on May 30, 1938, issued its Order No. 1075 approving certain temporary changes in the operating schedules of the St. Johns River Line Co. between the towns of Ocala, Leesburg, Groveland, Orlando, Eustis, Mt. Dora, Sanford and Astor. These changes were approved without public hearing upon an application stating that the same was desired for operating efficiency and economy only.

3. Protest was made to the granting of these schedule changes by other certificated carriers serving this territory; whereupon the matter was set down for hearing under Notice No. 583 as stated above. Several days prior to this hearing, on or about August 18, 1938, the protesting carriers, Central Truck Lines, Inc., Great Southern Trucking Company and L & L Freight Lines were granted informal authority by the Commission to put into effect such expedited schedules into this territory as they deemed necessary to meet the alleged competition of the applicant's new temporary schedules.

4. It developed at the hearing that one of the temporary schedules authorized by Order No. 1075 covered the route between Ocala and Leesburg over State Road No. 2, a route over which the applicant operated several years ago but which had been abandoned for the past two or three years with the approval of the Commission. The protestants thereupon moved for a continuance of the hearing on the ground that before the

Commission could authorize a service over a new route, an application had to be made and a hearing called in accordance with Section 3 of Chapter 14764, Acts of 1931. The application here was not so drawn nor was the required notice of the hearing given.

5. The Commission is of the opinion that the motion of the protestants is well taken, and that the applicant must file an application for a Certificate of Public Convenience and Necessity and a formal hearing must be held before authority can be given to operate over a new route. The Commission is also of the opinion that the competitive status of the carriers involved in the territory should remain as it was prior to the entry of Order No. 1075 insofar as the time of delivery of goods in the towns involved is concerned. The applicant will be allowed to continue the operation of its temporary schedules provided that freight received from connecting carriers be delivered no sooner than was possible prior to the adoption of such schedules. The temporary schedules granted informally to the protestants (to meet the temporary schedules of the applicant) will be discontinued since the applicant will no longer have the advantage of expedited delivery. Any such additional schedules or schedule changes desired must be the subject of an application to the Commission upon which a hearing will be held. The applicant will file its amended application on or before August 31, 1938, or authority to operate its temporary schedules will be revoked.

WHEREFORE it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that in accordance with the above opinion further consideration of this case be postponed until after the filing of a proper application for the operating rights sought.

It is further ORDERED that the St. Johns River Line Company shall not make deliveries of freight received from connecting carriers under the new schedules authorized by Order No. 1075 prior to the time such deliveries were made under the schedules superceded by said Order.

It is further ORDERED that authority informally granted to the protestants, Central Truck Lines, Inc., Great Southern Trucking Company and L & L Freight Lines, on or about August 18, 1938, to establish temporary schedules in the territory *involved, be and the same is hereby revoked* and said carriers are hereby ordered and directed to discontinue the operation of such temporary schedules.

It is further ORDERED that this order shall become effective at 12:01 A. M. August 28, 1938.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the city of Tallahassee, Florida, this 26th day of August, 1938.

ORDER NO. 1088,

DOCKET NO. 521.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF TOM H. BLOWERS FOR EXTENSION OF PERMIT NO. 401 TO AUTHORIZE THE HAULING OF PERISHABLE FOODSTUFFS TO CERTAIN ADDITIONAL CIVILIAN CONSERVATION CORPS CAMPS IN FLORIDA.

1. The Commission on December 31, 1937, granted to the applicant Permit No. 401 authorizing him to haul perishable foodstuffs to certain C. C. C. Camps in North Florida. The present application is for extension of this authority to the new locations of some of the camps that have been moved and to certain new camps.

2. The applicant is engaged in the business of supplying by truck to C. C. C. Camps perishable foodstuffs, that is, meats, dairy products, sea foods, fresh fruits and vegetables, onions and potatoes. Some of the fruit and vegetables the applicant himself buys and sells to the camps. Most of the products hauled, however, are owned by various meat packers and wholesale produce concerns who contract with the C. C. C. Camps or the government to deliver these perishables to the camp sites in refrigerated trucks. It appears that government regulations require such delivery, and the applicant is equipped with two refrigerated trucks to furnish this service.

3. The applicant seeks to amend his authority to include tri-weekly deliveries to the following C. C. C. Camps:

- CAMP NO. 1420— $3\frac{1}{2}$ miles S. W. of Fernandina.
- CAMP NO. 2444—24 miles S. W. of Starke.
- CAMP NO. 1401—20 miles E. of Ocala.
- CAMP NO. 418—3 miles E. of Olustee.
- CAMP NO. 1410—Within town of Foley.
- CAMP NO. 4430—10 miles S. of Tallahassee.
- CAMP NO. 4450— $\frac{1}{2}$ mile S. of Wilma (in Liberty County).
- CAMP NO. 4454—4 miles E. of Lynn Haven (in Bay County).
- CAMP NO. 1445—2 miles N. of Marianna.
- CAMP NO. 5430—15 miles E. of Sarasota.
- CAMP NO. 453—4 miles E. of Sebring.
- CAMP NO. 2415—4 miles S. of Mulberry.

One truck will move out of Tampa and serve the Sarasota, Sebring and Mulberry camps in the order named and return to Tampa following the most practical direct route between those cities. The other truck will operate out of Jacksonville over two routes—one day it will serve Fernandina, Starke and Ocala, and on the next day Olustee, Foley, Tallahas-

see, Wilma, Lynn Haven and Marianna, and return to Jacksonville each day, following the most practical direct route between these cities and towns.

4. This operation will be regular and recurring over the same routes, yet it does not appear that the applicant is a private contract carrier as defined in the Motor Transportation Act or a common carrier as generally considered. The Commission is of the opinion that authority to operate as outlined above should be granted and Permit No. 401 should be amended to include the same, subject, however, to a hearing at any time, and subject to such rules, regulations and restrictions as the Commission may from time to time deem necessary for the protection of the public and transportation facilities in the territory involved.

WHEREFORE it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Permit No. 401 be amended to include authority to transport only the food products named above to the C. C. C. Camps listed herein and over the routes herein outlined, subject to such further orders and hearings as the Commission may deem advisable.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the city of Tallahassee, Florida, this 24th day of August, 1938.

ORDER NO. 1089,

DOCKET NO. 100-6.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF L. & L. FREIGHT LINES, INC., TO CHANGE
ITS SEASONAL SCHEDULE NO. 3 BETWEEN MIAMI AND WEST
PALM BEACH TO A REGULAR YEAR AROUND SCHEDULE.

On August 29, 1938, L. & L. Freight Lines, Inc., filed its petition before the Commission for authority to change its Schedule No. 3 from a daily seasonal operation over State Road No. 4 between Miami and West Palm Beach to Schedule No. 3-A, which would be a daily year around operation between the same cities at the same time, that is, leaving Miami 7:00 A. M. arriving West Palm Beach 9:25 A. M.—leaving West Palm Beach 11:00 A. M. arriving Miami 1:15 P. M. Whereupon, by Notices No. 584 and 585, the Railroad Commission set the matter for hearing before it first at Tallahassee on September 14, 1938, and then at Sanford on September 12, 1938.

On September 6th, 1938, the petitioner, through its attorney, requested the Commission to dismiss the application.

Therefore, it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida, that the application of L. & L. Freight Lines, Inc., for authority to change its existing seasonal Schedule No. 3 between Miami and West Palm Beach to a regular year around operation be and the same is hereby **DISMISSED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 19th day of September, 1938.

ORDER NO. 1090,

DOCKET NO. 100-57.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

**IN RE: APPLICATION OF HIGHWAY TRANSPORTATION COMPANY
FOR EXTENSION OF CERTIFICATE NO. 128, TO TRANSPORT
FREIGHT FROM WEWAHITCHKA TO PORT ST. JOE, FLORIDA.**

1. Pursuant to Notice No. 577 dated July 14, 1938, this matter came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on July 26, 1938, at 10 o'clock A. M.

Marion B. Knight appeared for applicant.

E. Clay Lewis, Jr., appeared for the protestant, Apalachicola Northern Railroad Company.

2. The applicant is a common carrier of freight by motor vehicle authorized under Certificate of Public Convenience and Necessity No. 128 to operate between Marianna, Blountstown and Wewahitchka, Florida, over State Highways Nos. 1 and 6. This application seeks to extend this operation from Wewahitchka to Port St. Joe over State Highway No. 6, a distance of approximately twenty-six miles. The applicant produced only two witnesses, one of them its President who testified that his company had been offered shipments for Port St. Joe, and that in his opinion Port St. Joe was of sufficient size to warrant service by a common carrier truck line. The other witness for the applicant was the agent of the L. & L. Freight Lines at Tallahassee, Florida, who testified that his company had turned down shipments of freight destined to Port St. Joe because there was no truck line operating to that town.

3. The protestant, Apalachicola Northern Railroad Company, showed that it runs a daily train service into Port St. Joe from River Junction, Florida, and that it is equipped through connecting rail lines to serve Port St. Joe from Marianna, the town out of which applicant operates.

4. The Commission has carefully considered the record in this case and finds that proof of public convenience and necessity submitted by the applicant does not meet the requirements of the law and of the standards heretofore set by the Commission. No residents or tradesmen from any of the cities and towns which would be affected by the proposed service were produced to show any need for the operation. As far as the Commission can tell from the record the territory involved is adequately served by existing transportation facilities.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Highway Transportation Company of Blountstown, Florida, to extend its Certificate of Public Convenience and Necessity to transport freight from Wewahitchka to Port St. Joe, Florida, over State Highway No. 6, be and the same is hereby **DENIED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the city of Tallahassee, Florida, this 20th day of September, 1938.

ORDER NO. 1091,

DOCKET NO. 569.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF ORLANDO TRANSIT COMPANY, ORLANDO, FLORIDA, FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO TRANSPORT PASSENGERS, LIGHT FREIGHT UP TO FIFTY POUNDS FROM ORLANDO, FLORIDA, TO WINTER GARDEN, FLORIDA, VIA STATE ROAD AND COUNTY ROADS 32 AND 304.

1. Pursuant to Notice No. 578 dated July 19, 1938, the above application came on for formal hearing before the Railroad Commission of the State of Florida at the Angebilt Hotel, Orlando, Florida, on August 2, 1938.

Campbell Thornal appeared for the applicant.

W. S. Evans represented Atlantic Coast Line Railroad Company.

Ed Drake, Jr., appeared for St. Johns River Line Company.

2. The applicant, Orlando Transit Company, operates a bus system serving the city of Orlando and its environs. It is proposed to extend this bus service from Orlando to Winter Garden, a distance of approximately nineteen miles, over State Road No. 22, with an alternate route between these same towns via the town of Ocoee following State Road No. 22 and County Roads Nos. 32 and 304. In addition to serving these towns the line

will also serve Orlovista and the new State Tuberculosis Hospital located on this route. The applicant will run four schedules daily and in addition to passengers transport light express up to fifty pounds. The only other bus service over this route is furnished by Florida Motor Lines which runs one bus a day and two in the winter season between these towns. It appears that there is need for this additional transportation service between Orlando and Winter Garden, and that it will be of great convenience to the public in these towns and along the route named.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Orlando Transit Company of Orlando, Florida, for a Certificate of Public Convenience and Necessity to transport passengers and freight up to fifty pounds in weight between Orlando and Winter Garden, Florida, via State Road No. 22 and County Roads Nos. 32 and 304, be and the same is hereby **APPROVED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the city of Tallahassee, Florida, this 21st day of September, 1938.

ORDER NO. 1092,

DOCKET NO. 570.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF JOHN C. MILLER, MIAMI, FLORIDA, FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS CONTRACT CARRIER TRANSPORTING UNDER CONTRACT FOR KEY LARGO QUARRIES, INC., CORAL ROCK.

1. This application came on for formal hearing before the Railroad Commission of the State of Florida pursuant to Notice No. 579 dated July 19, 1938, at the Dade County Court House, Miami, Florida, on August 5, 1938, and then and there appeared the following:

Robert F. Underwood, attorney for applicant.

Leo P. Kitchen and Dan R. Schwartz appeared for Leonard Brothers, protestants.

Wm. J. Pruitt represented Rider Trucking Company, protestants.

2. The applicant proposes to haul only large slabs of coral rock to Miami from rock quarries located on upper Matecumbe Key on State Highway No. 4-A approximately seventy miles south of Miami. He presented a contract whereby he agreed to haul this rock for Key Largo Quarries, Inc., a company engaged in the business of mining this rock and

preparing it for commercial uses in its plant at Miami. The applicant has a tractor semi-trailer equipment with open bodies designed to haul this rock all of which is in large blocks averaging seven to eight tons in weight. It appears from the testimony that the transportation needs of this business require the specialized service of a contract carrier. The Commission has considered the effect that the granting of this application may have upon transportation facilities in the area involved and the effect upon congestion and safety in highway traffic, and is of opinion that public convenience and necessity require the granting of this application.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of John C. Miller of Miami, Florida, for a Certificate of Public Convenience and Necessity as a contract carrier to haul coral rock from upper Matecumbe Key to Miami over State Highway No. 4-A, under contract with Key Largo Quarries, Inc., be and the same is hereby **APPROVED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 30th day of September, 1938.

ORDER NO. 1094,

DOCKET NO. 573.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
APPLICATION OF JOHN OLIVER MILLER OF ST. AUGUSTINE,
FLORIDA, FOR CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY AS A COMMON CARRIER TO TRANSPORT PASSENGERS AND LIGHT EXPRESS OVER STATE ROAD NO. 140 BETWEEN ST. AUGUSTINE AND MARINE STUDIOS, APPROXIMATELY EIGHTEEN MILES SOUTH OF ST. AUGUSTINE.

1. The above application came on for hearing before the Railroad Commission of the State of Florida pursuant to Notice No. 580 dated July 22, 1938, at the Mayflower Hotel, Jacksonville, Florida, on August 12, 1938. The following appeared:

J. O. Miller appeared in his own behalf as applicant.

T. B. Osteen appeared for Florida Motor Lines, Inc. .

2. The applicant at present is the holder of a permit from this Commission authorizing occasional unsolicited transportation of passengers from St. Augustine to various points in the State of Florida. This application seeks a common carrier Certificate to transport passengers and small baggage between St. Augustine, Anastasia Island, South Beach,

Crescent Beach, Matanzas and the new Marine Studios recently opened up on this road. The distance is approximately eighteen miles over a part of what is known as the Ocean Shore Boulevard between St. Augustine and Daytona Beach. It is proposed to operate two round trips daily on regular schedule.

3. There is no other common carrier operating over this route at the present time. The Florida Motor Lines formerly operated over this road and still claim the right so to do has not operated over it for several years due to the condition of the road and bridges. It now appears that certain improvements have been made in the highway and bridges and with the opening of the Marine Studios there is a demand for regular service over this route. The Commission has considered the application and record in this case and is of opinion that the present and future needs and convenience of the public require the granting of this application.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of John Miller for Certificate as a Common Carrier to transport passengers and light express over State Road No. 140 between St. Augustine and Marine Studios, approximately eighteen miles south of St. Augustine, Florida, be and the same is hereby APPROVED, and that Certificate of Public Convenience and Necessity be issued to the said John Oliver Miller upon his complying with the rules and regulations of the Railroad Commission affecting common carriers of passengers and light express.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 1st day of October, 1938.

ORDER NO. 1095,

DOCKET NO. 572.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF GATOR MOTOR LINES, INC., OF ST. AUGUSTINE, FLORIDA, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A COMMON CARRIER OF PASSENGERS AND LIGHT EXPRESS BETWEEN ST. AUGUSTINE AND GAINESVILLE, FLORIDA.

1. The above application came on for formal hearing before the Railroad Commission of the State of Florida pursuant to Notice No. 580 at the Mayflower Hotel, Jacksonville, Florida, on August 12, 1938. The following appeared:

Mrs. Hazel Bell appeared for the applicant.

Geo. A. H. Sutton and George H. Rollins represented Atlantic Coast Line Railroad Company, protestants.

R. K. Parsons appeared for the Florida East Coast Railway.

2. The applicant proposes to operate a common carrier bus service between St. Augustine and Gainesville, Florida, over State Highway No. 14 serving intermediate points of Hastings, Palatka, Interlachen and Hawthorne, and other points along this road. The distance is approximately seventy-five miles. It is proposed to operate two round trips daily between these towns connecting with the Florida Motor Lines at St. Augustine, Palatka and Gainesville.

3. The Seminole Coach Line is the holder of Certificate of Public Convenience and Necessity No. 198 authorizing it to operate this same service over this route, but it appears from the testimony that the Seminole Coach Line abandoned the operation on June 22, 1938, and that on or about that date the applicant began operation of the service acting for and under authority of Seminole Coach Line. It further appears that the officials of the Seminole Coach Line have permanently abandoned the operation, have turned it over to the applicant and do not intend to operate it further. No one representing Seminole Coach Line appeared at the hearing although proper notice was given to it.

4. The Commission finds that bus service between St. Augustine and Gainesville via Palatka is needed, and is of great convenience to the public in this area; that the applicant is properly equipped and willing to render the service, and that there is no other common carrier of passengers by motor vehicle at present operating in this territory. The Commission has considered the effect that the granting of this Certificate would have upon transportation facilities and transportation as a whole in this territory, and is of opinion that the application should be granted.

Wherefore it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of Gator Motor Lines, Inc., of St. Augustine, Florida, for a Certificate of Public Convenience and Necessity to transport passengers and light express over State Highway No. 14, between St. Augustine and Gainesville, Florida, be and the same is hereby APPROVED.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 3d day of October, 1938.

ORDER NO. 1096,

DOCKET NO. 100-40.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: PETITION OF J. G. COATS, DOING BUSINESS AS COATS MOTOR TRANSFER COMPANY FOR EXTENSION OF CONTRACT CARRIER CERTIFICATE NO. 46 TO HAUL GROCERIES, GOODS, WARES AND MERCHANDISE FOR THE GREAT ATLANTIC & PACIFIC TEA COMPANY FROM JACKSONVILLE TO VARIOUS POINTS IN THE STATE OF FLORIDA.

1. This application came on for formal hearing before the Railroad Commission of the State of Florida, pursuant to Notice No. 579, dated July 19, 1938, at the Dade County Court House on August 5, 1938. The following appeared:

Thad H. Carlton represented the applicant.

For protestants:

Wm. J. Pruitt appeared for Rider Trucking Company.

L. S. Julian for Seaboard Air Line Railway Company.

R. K. Parsons for Florida East Coast Railway.

J. H. Elliott for Elliott Young Consolidated and Tamiami Trail Tours, Inc.

2. The applicant is the holder of Certificate of Public Convenience and Necessity No. 46 authorizing him to transport as a contract carrier the products of the Atlantic & Pacific Tea Company and the Rath Packing Company between Fort Pierce, Vero Beach and Stuart and household goods to any point in the State. (See Order No. 964 dated January 13, 1937). The applicant now seeks authority to extend his contract with the Tea Company to include hauling the groceries of the latter from Jacksonville to Fort Pierce, Vero Beach, Stuart, Okeechobee, Belle Glade, Pahokee, West Palm Beach, Palm Beach, Lake Worth and Delray.

3. The applicant produced two witnesses—himself and a representative of the Tea Company. Mr. Coats testified that he was willing and ready to perform the service sought, and the District Superintendent of the Tea Company testified that his company desired this truck service into the territory involved for convenience in handling their products by private carrier rather than the common carriers now used and in order to speed up deliveries to some extent. The protestants showed that both the Florida East Coast Railway and the Seaboard Air Line Railway serve this territory, and that three common carrier lines serve all or part of the same.

4. The evidence further shows that all of the tonnage sought to be moved under this application is now being moved by rail lines or common

carrier truck lines and that the taking of this traffic away from existing common carrier facilities will increase the burden on the highways to such an extent as to amount to an inordinate use of the highways.

5. The Commission has carefully considered the application and record in this case and is of the opinion that public convenience and necessity do not require the granting of this application; that there is abundant and sufficient transportation facilities into this territory to handle satisfactorily the traffic sought to be moved under this application; and that the granting of this application would have a detrimental effect upon transportation facilities and transportation as a whole within the territory involved.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of J. G. Coats, doing business as Coats Motor Transfer Company for extension of Contract Carrier Certificate No. 46 to haul groceries, goods, wares, and merchandise for the Great Atlantic & Pacific Tea Company from Jacksonville to various points in the State of Florida be and the same is hereby **DENIED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 17th day of October, 1938.

ORDER NO. 1097,

DOCKET NO. 101.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF RAILWAY EXPRESS AGENCY, INC., JACKSONVILLE, FLORIDA, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A COMMON CARRIER TRANSPORTING RACE HORSES, SADDLE HORSES, POLO PONIES BETWEEN CERTAIN POINTS IN DADE COUNTY, FLORIDA.

1. Pursuant to Notice No. 581 dated July 22, 1938 this matter came on for formal hearing before the Railroad Commission of the State of Florida at the Court House in Miami, Florida, at 10 o'clock A. M. on Monday, August 8th, 1938, and then and there appeared the following:

Blair Foster of Atlanta, Georgia, for applicant.

Leo P. Kitchen and Dan R. Schwartz appeared for protestants John E. Withers Transfer & Storage Company and Leonard Brothers Transfer & Storage Company all of the City of Miami.

2. The applicant has applied for a Certificate of Public Convenience and Necessity as a common carrier authorizing it to transport race horses,

daily, during the racing season between Hialeah and Tropical Park race tracks and the Riding Academy and the depots of the Florida East Coast Railway and Seaboard Air Line Railway in Dade County, Florida. The applicant is a common carrier by rail and most of the horses that are raced at either track come into Miami by the Railway Express. Sometimes the cars are consigned to Hialeah but there will be in the car horses that are also going to Tropical Park. In this case the horses that are going to Tropical Park must be transported there by truck. Very often the Express Company gets notice by telegraph that there are transfers to be made at the loading platform of race horses from one track to the other track. In this event the representatives of the applicant has to get in contact with the van companies who are authorized to transport the horses and arrange for this transfer. For this reason, the applicant is of opinion that it would be more convenient for the race horse owners if it had a van authorized to transport these horses and complete the transaction that originated with the express company.

3. John E. Withers Transfer & Storage Company and Leonard Brothers Transfer & Storage Company, both of the city of Miami, have Certificates of Public Convenience and Necessity which authorize each of them to transport race horses between the tracks and to the other points sought by the applicant. The evidence shows that they have adequate transportation facilities to transport all of the horses that come into Miami between the tracks and there was no showing made of inadequacy of these transportation facilities. For this reason the Commission is of opinion that no public convenience and necessity has been shown, nor is there any lack of adequate facilities for the performing of the service which the applicant desires to perform, and that the application should be DENIED.

WHEREFORE it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of the Railway Express Agency, Inc., of Jacksonville, Florida, for a Certificate of Public Convenience and Necessity as a common carrier transporting race horses, saddle horses and polo ponies between certain points in Dade County, Florida, be and the same is hereby DENIED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 23d day of September, 1938.

COMMISSIONER DOUGLASS DISSENTS ON THE GROUND THAT IN HIS OPINION THERE IS SUFFICIENT SHOWING OF PUBLIC CONVENIENCE AND NECESSITY AND THE APPLICATION SHOULD BE GRANTED.

ORDER NO. 1098.**DOCKETS NOS. 100-13 and 382.**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: JOINT APPLICATION OF H. O. ROOKS, DOING BUSINESS AS ROOKS COACH LINE AND TAMIAMI TRAIL TOURS, INC., FOR TRANSFER OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 197 FROM H. O. ROOKS TO TAMIAMI TRAIL TOURS, INC., COVERING COMMON CARRIAGE OF PASSENGERS AND LIGHT EXPRESS BETWEEN TALLAHASSEE, FLORIDA, AND BLOUNTSTOWN, FLORIDA, OVER STATE ROAD NO. 19.

1. By Order No. 1063 dated February 26, 1938, this Commission approved the transfer of Certificate of Public Convenience and Necessity No. 197 from H. O. Rooks, doing business as Rooks Coach Line to Tamiami Trail Tours, Inc.

2. It now appears that the transfer and assignment of Certificate of Public Convenience and Necessity No. 197 from H. O. Rooks to Tamiami Trail Tours, Inc., was never consummated and the said H. O. Rooks, doing business as Rooks Coach Line, and the said Tamiami Trail Tours, Inc., did file with this Commission on October 26, 1938 a joint petition asking this Commission to make and enter an order revoking and canceling said Order No. 1063, dated February 26, 1938, in order that the status of the parties might remain as if no agreement had been entered into between them and no application had been made for the approval of transfer of said Certificate.

3. It appearing to the Commission that the afore-mentioned petition is a stipulation of the parties and consent to the entry of an order canceling said Order No. 1063:

WHEREFORE it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Order No. 1063 dated February 26, 1938 approving the transfer of Certificate of Public Convenience and Necessity No. 197 from H. O. Rooks, doing business as Rooks Coach Line, to Tamiami Trail Tours, Inc., be and the same is hereby CANCELED AND REVOKED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 25th day of October, 1938.

ORDER NO. 1099,

DOCKET NO. 360.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

**IN RE: APPLICATION OF CLUB TRANSPORTATION SERVICE, INC.,
OF CORAL GABLES, FLORIDA, FOR LIMITED COMMON CAR-
RIER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
TO TRANSPORT PASSENGERS.**

1. The above application came on for formal hearing, pursuant to Notice No. 589, before the Railroad Commission of the State of Florida at Miami, Florida, on October 6, 1938. The following appeared:

For the applicant: L. K. Slepow.

For the protestants: A. Y. Milam for Florida Motor Lines Corporation and John Whiting for Tamiami Trail Tours, Inc.

2. The applicant is a subsidiary of the owners of the Miami Biltmore Hotel in Coral Gables, Florida, and the Roney Plaza Hotel in Miami Beach. It holds a permit authorizing it to make occasional, unsolicited trips out of the Miami area for the transportation of passengers. At present, under this Permit, it operates sixteen sedans of the ordinary type in making such trips for the convenience of the guests of the hotels. A witness for the applicant stated that this application sought merely to extend this authority so that what are known as Aero cars could be used in this business. These cars are a specially constructed two-wheel trailer the front end of which rests on and is securely coupled to an ordinary coupe in which the driver sits. The trailer part will seat about twenty passengers and is constructed like a parlor car with comfortable seats, card tables and other accommodations. It is desired to use these Aero cars to carry groups of the hotel guests from Miami to any point of interest in the State such as Key West, Silver Springs, Bok Tower, Sarasota, etc. The business will not be advertised or solicited outside of the hotels and will be operated solely for the convenience of the patrons of the hotels.

3. The Commission under the law cannot grant a common carrier certificate to perform this kind of transportation. The applicant does not hold itself out to haul for the public generally but reserves the right to refuse transportation whenever it so desires. It appears, however, that the applicant would be entitled under the Permit which it now holds to perform the type of transportation described herein upon the proper qualification with the Commission of the vehicles it desires to use.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Club Transportation Service, Inc., of Coral Gables, Florida, for a limited com-

mon carrier certificate of public convenience and necessity to transport passengers be and the same is hereby **DISMISSED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this November 4, 1938.

ORDER NO. 1100,

DOCKET NO. 400.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF RYDER TRUCKING COMPANY OF MIAMI, FLORIDA, FOR EXTENSION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 204 TO HAUL CORAL ROCK FROM THE KEYS SOUTH OF MIAMI INTO MIAMI.

1. This application came on for formal hearing before the Railroad Commission of the State of Florida, pursuant to Notice No. 590, dated September 7, 1938, at the Dade County Court House, Miami, Florida, on October 7, 1938. The following appeared:

For applicant—Wm. J. Pruitt.

For protestants—Leo P. Kitchen and Dan R. Schwartz for Overseas Transportation Company and Leonard Brothers. Robert F. Underwood for John C. Miller.

2. The applicant is a partnership and the holder of Certificate of Public Convenience and Necessity No. 204 which authorizes it to haul as a private contract carrier cement for various concerns on the lower East Coast and gypsum board and gypsum plaster for the United States Gypsum Company from Miami north to all points on the lower East Coast as far as Fort Pierce. It is sought to extend this authority to include the hauling of coral rock from the keys about eighty miles south of Miami into Miami over State Highway No. 4-A under contracts with John B. Orr, Inc., and Keystone Arts Corporation, both of which are engaged in the business of extracting this rock from the ground and preparing it for commercial use.

3. The applicant testified as to the contracts which he had secured for this hauling; that he had equipment designed to transport coral rock; and that he desired this extension of his existing authority to enable him to fulfill his contracts. This rock is in large blocks weighing from eight to ten tons and only one such block is carried at a time. About two trips per week would be made under each contract.

4. The protestant John C. Miller showed that he was the holder of Certificate No. 207 issued by this Commission under Order No. 1092

authorizing him to haul this same kind of rock into Miami over this same highway from a nearby point on the keys under a contract with another party.

5. It was brought out in the testimony that the applicant has been engaged for possibly a year in transporting this rock for the John B. Orr Company without any authority from this Commission. There was also other evidence of hauling done by the applicant outside of the territory approved by the Commission's orders. The Commission does not look with favor upon one, particularly one already under the jurisdiction of the Commission and familiar with its rules, who apparently violates the law and exceeds the authority given him. Furthermore, this Commission has always followed a policy of limiting contract carriers to one type of hauling or to contracts with one or two shippers. The applicant already has contracts with ten separate shippers to haul cement and the gypsum products. Continued extension of authority to haul under private contract would make the applicant practically a common carrier of certain products without his having to assume the duties and liabilities of such a carrier. It would also encroach upon the field of the more strictly regulated common carriers and have a detrimental effect upon transportation as a whole.

6. There is already one common carrier in the field where the applicant seeks to operate—Overseas Transportation Company—between Miami and Key West, and one contract carrier hauling the same commodity. The Commission is of opinion that public convenience and necessity does not require the granting of this application; that the same would have a detrimental effect upon transportation facilities as a whole in this territory; and that for another carrier to begin operating therein would constitute an inordinate use of the highways incommensurate with the transportation needs of the area.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the application of Ryder Trucking Company of Miami, Florida, for extension of its Certificate of Public Convenience and Necessity to include the hauling of coral rock from the keys south of Miami into Miami be and the same is hereby **DENIED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the city of Tallahassee, Florida, this 4th day of November, 1938.

ORDER NO. 1101,**DOCKET NO. 1339.**

**BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN THE MATTER OF THE ISSUANCE OF SUPPLEMENT NO. 3 TO
FLORIDA MOTOR FREIGHT TARIFF NO. 2.**

Pursuant to applications of the Florida Motor Freight Bureau, this Commission has issued, and there is attached hereto Supplement No. 3 to Florida Motor Freight Tariff No. 2.

The purpose of this Supplement is to correct errors in the original tariff and to revise downward the rates of the Overseas Transportation Company, and to revise mileages of that line, the revision being made necessary by the completion of the new Overseas Highway.

And now on this date the Commissioners having fully considered all of the changes embraced in this Supplement, and being fully advised in the premises,

It is therefore ORDERED that Supplement No. 3 to Florida Motor Freight Tariff No. 2 (Fla. R. C. No. 2), a copy of which is attached to and made a part of this Order, be, and it is hereby made effective on November 10, 1938, for the use of all common carriers of freight by Motor Vehicle who are subject to Florida Motor Freight Tariff No. 2 (F. R. C. No. 2), on intra-state traffic in the State of Florida.

DONE and ORDERED by the Railroad Commissioners of the State of Florida, in session at their office in the City of Tallahassee, Florida, this 3rd day of November, 1938.

ORDER NO. 1102,**DOCKET NO. 337.**

**BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF CROSS STATE CANAL LINES, INC., OF
OCALA, FLORIDA, FOR A CERTIFICATE OF PUBLIC CON-
VENIENCE AND NECESSITY AS A COMMON CARRIER BY
MOTOR VEHICLE TRANSPORTING PASSENGERS AND LIGHT
EXPRESS AND FREIGHT FROM YANKEETOWN TO DUNNELLON
OVER HIGHWAY NO. 16-A, THENCE TO OCALA AND THENCE
TO DAYTONA BEACH AND SERVING OTHER POINTS IN THE
STATE OF FLORIDA INCLUDING THE PROPOSED CAMP SITES
CONSTRUCTED ALONG THE ROOSEVELT CANAL.**

1. By Order No. 817, dated December 6, 1935, Cross State Canal Lines, Inc., was awarded a Certificate of Public Convenience and Nec-

essity to operate a daily service as a common carrier of passengers and light express by motor vehicle between Yankeetown and Dunnellon and from Ocala to DeLand and from Ocala to Palatka serving the construction camps along the Roosevelt Canal.

2. This service has never been instituted. Many ninety days extensions have been given the company, the last of which was to expire on ninety days from January 5, 1938. At that time the Commission informed the company that if operations were not instituted when this expiration period expired the Certificate of Cross State Canal Lines, Inc., would be canceled.

3. The last extension of ninety days having long since expired and no steps having been taken to comply with the rules and regulations of the Commission as to filing insurance, securing Commission plates and inaugurating the service over the route authorized, the Commission is of opinion that Cross State Canal Lines, Inc., has abandoned and forfeited its rights to the Certificate awarded by Order No. 817, dated December 6, 1935, and that such order should be canceled and the authority granted thereunder revoked.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Order No. 817 awarding Certificate of Public Convenience and Necessity as a common carrier of passengers and light express to Cross State Canal Lines, Inc., as herein described, be and the same is hereby **CANCELED**, and all authority to operate over the routes described in said order be and the same are hereby **REVOKED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 8th day of November, 1938.

ORDER NO. 1103.

DOCKET NO. 343.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF W. W. CRAVEN, OPERATING AS SEMINOLE COACH COMPANY OF JACKSONVILLE, FLORIDA, FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AS A COMMON CARRIER OF PASSENGERS AND LIGHT EXPRESS BY MOTOR VEHICLE BETWEEN ST. AUGUSTINE AND GAINESVILLE OPERATING OVER HIGHWAYS 14 AND 189.

1. By Order No. 814, dated December 7, 1935, W. W. Craven, operating as Seminole Coach Company was granted a Certificate of Public

Convenience and Necessity to operate as a common carrier of passengers and light express by motor vehicle between St. Augustine and Gainesville, Florida, over highways Nos. 14 and 189.

2. Certificate of Public Convenience and Necessity No. 198 was issued to W. W. Craven, operating as Seminole Coach Company, in pursuance of said order after he had qualified with this Commission and the Seminole Coach Company operated regular schedules for a long period of time.

3. It now appears that the said company has entirely abandoned its operations and has failed and refused to operate over this route for more than ninety days.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that Certificate of Public Convenience and Necessity No. 198, heretofore issued to W. W. Craven, operating as Seminole Coach Company, be and the same is hereby **CANCELED**, and all authority under such Certificate is hereby revoked.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 8th day of November, 1938.

ORDER NO. 1104,

DOCKETS NOS. 382-100-139.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: JOINT APPLICATION OF H. O. ROOKS, DOING BUSINESS AS ROOKS COACH LINE AND A. W. LEE, DOING BUSINESS AS LEE'S COACH LINE, FOR APPROVAL OF TRANSFER OF CERTIFICATE NO. 197 FROM H. O. ROOKS TO SAID A. W. LEE, COVERING COMMON CARRIAGE OF PASSENGERS AND LIGHT EXPRESS BETWEEN TALLAHASSEE, FLORIDA, AND BLOUNTSTOWN, FLORIDA, OVER STATE HIGHWAY NO. 19.

1. Pursuant to Notice No. 598, dated November 4, 1938, this matter came on for hearing before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, at 10 o'clock A. M. on Tuesday, November 22, 1938.

B. A. Meginniss appeared for applicant.

2. It appears from the joint application filed in this cause, and the testimony taken, that H. O. Hooks, doing business as Rooks Coach Line, as the holder of Certificate No. 197, issued by this Commission, authorizing him to operate from Tallahassee to Blountstown transporting passengers and light express over State Highway No. 19, has entered into an

agreement to assign, transfer, deliver and set over unto the said A. W. Lee, operating as Lee's Coach Line, all of his right, title and interest in and to said Certificate No. 197. The Lee Coach Line operates in common carriage of passengers between Tallahassee, Carrabelle, Apalachicola, Port St. Joe and Panama City over State Road No. 10, and between Port St. Joe and Marianna via Blountstown over State Road No. 6, and public convenience and necessity would be served by the operation by Lee's Coach Line of the route now operated by H. O. Rooks, doing business as Rooks Coach Line.

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the transfer of Certificate of Public Convenience and Necessity No. 197 from H. O. Rooks, doing business as Rook's Coach Line to A. W. Lee, doing business as Lee's Coach Line, be and the same is hereby **APPROVED** upon condition that all of the mileage taxes due to the State of Florida and C. O. D. claims arising out of the operation of the Rooks Coach Line be paid and that the said Rooks Coach Line file its report with the Railroad Commission for the period of time operated up to and including December 1, 1938.

It is further **ORDERED** that this transfer of Certificate shall be and become effective on December 1, 1938.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 22d day of November, 1938.

ORDER NO. 1105,

DOCKET NO. 216.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF THE RECEIVERS OF SEABOARD AIR LINE RAILWAY FOR EXTENSION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 183 TO INCLUDE THE TRANSPORTATION OF FREIGHT BY MOTOR VEHICLE BETWEEN JACKSONVILLE, FLORIDA, AND TAMPA, FLORIDA.

1. The applicant is the holder of Certificate of Public Convenience and Necessity No. 183, authorizing it to operate as an Auto Transportation Company between certain points and over certain highways in the State of Florida. The applicant is authorized to operate trucks between Tampa and Jacksonville, Florida, but Order No. 884, dated August 18, 1936, places several limitations on this authority and among them is the restriction " * * * transporting no through freight from Jacksonville to Tampa or from Tampa to Jacksonville." This application seeks removal

of this restriction so that through freight may be transported between these points.

2. This application is made under the provisions of Section 27 of Chapter 14764, Laws of Florida, Acts of 1931, as amended by Section 1 of Chapter 18027, Acts of 1937, which provides that upon proper application by any railroad company or its receivers the Commission shall grant as a matter of right authority to operate trucks over highways paralleling its rail lines. It appears that the highways over which applicant now operates between Jacksonville and Tampa parallel its lines and that under the above statute applicant is entitled, as a matter of right, to the extension of its Certificate as prayed. The application meets the requirements of this statute.

3. The granting of this application involves the operation of no additional routes, no additional highways, and no additional schedules, on the part of the applicant. It merely removes a restriction placed upon transportation between points already served by the applicant.

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that Certificate of Public Convenience and Necessity No. 183, held by the Receivers of the Seaboard Air Line Railway, be and the same is hereby EXTENDED to include the transportation of freight between Jacksonville and Tampa over the routes and schedules now in operation, and that the restriction reading "transporting no through freight from Jacksonville to Tampa or from Tampa to Jacksonville" be eliminated from Order No. 884, dated August 18, 1936.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 1st day of December, 1938.

ORDER NO. 1109,

DOCKET NO. 100-101.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF DANIE McGHEE, INDIVIDUALLY, AND AS THE WIDOW OF WILL McGHEE, DECEASED, AND CHARLES V. KINARD, FOR TRANSFER OF SPECIAL CERTIFICATE ISSUED TO THE SAID WILL McGHEE BY ORDER NO. 352 DATED FEBRUARY 13, 1931.

This matter coming on for consideration before the Commission upon the joint application of Danie McGhee, as the widow and sole heir of Will McGhee, deceased, and Charles V. Kinard for transfer of all

the rights of Will McGhee under Order No. 352 dated February 13, 1931, authorizing the carriage of household goods, uncrated furniture and pianos from Tampa, Florida, to various points in the State, and it appearing that the said Will McGhee (colored) departed this life on the 30th day of January, 1938, leaving as his widow and sole heir Danie McGhee who has agreed to sell and transfer all of her rights both individually and as the widow and sole heir of Will McGhee deceased to Chas. V. Kinard who has agreed to purchase said operating rights and to assume any and all obligations due to the State of Florida for mileage tax, and has further agreed to conduct such operations under the laws and rules of this Commission.

The Commission having considered said joint application and there being no objection to the granting of the same, it is **CONSIDERED, ORDERED AND ADJUDGED** that the transfer of the operating rights of Danie McGhee, individually, and as the widow of Will McGhee, deceased, under Order No. 352 of this Commission dated February 13, 1931, covering the carriage of household goods, uncrated furniture and pianos from Tampa, Florida, to various points in the State of Florida, to Charles V. Kinard, be and the same is hereby **APPROVED**.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 28th day of December, 1938.

ORDER NO. 1110,

DOCKET NO. 100-138

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA
IN RE: APPLICATION OF ST. ANDREWS BAY TRANSPORTATION
COMPANY FOR CHANGES IN THE SCHEDULE OF ITS BUS
OPERATIONS BETWEEN DOTHAN, MARIANNA AND PANAMA
CITY OVER HIGHWAYS NOS. 6, 1 AND 20.

1. Pursuant to Notice No. 598 dated November 4, 1938, this matter came on for formal hearing before the Railroad Commission of the State of Florida at its Hearing Room, Supreme Court Building, Tallahassee, Florida, on November 22, 1938.

Mr. H. H. Simms appeared for applicant.
No one appeared for protestants.

2. St. Andrews Bay Transportation Company desires to change its schedule so that it will leave Dothan, Alabama, at 4:30 P. M., instead of 4:10 P. M., and arrive at Cottondale at 5:53 P. M., instead of 5:40 P. M., arriving in Panama City at 7:15 P. M., and north-bound leaving

Panama City at 8:30 A. M., and arriving in Dothan, Alabama, at 11:40 A. M. It appearing that this schedule is more advantageous to the public and neither the carrier nor the Railroad Commission have received any complaints as to the schedule, the Commission is of opinion that the changes should be authorized:

Wherefore it is **CONSIDERED, ORDERED AND ADJUDGED** by the Railroad Commission of the State of Florida that the attached schedule showing changes as above mentioned be and the same is hereby **APPROVED AND THE** St. Andrews Bay Transportation Company is hereby authorized to operate the same between Dothan, Alabama, and Panama City, Florida.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 22nd day of November, 1938.

ORDER NO. 1118,

DOCKET NO. 570.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF JOHN C. MILLER OF MIAMI, FLORIDA, FOR A LIMITED COMMON CARRIER CERTIFICATE TO TRANSPORT ONLY CORAL ROCK (KEYSTONE) FROM ISLAMORADO, FLORIDA, KNOWN AS WINDLY KEY TO MIAMI, PALM BEACH COUNTY AND INTERMEDIATE POINTS.

1. This application came on for formal hearing before the Railroad Commission of the State of Florida pursuant to Notice No. 602, at Miami, Florida, on December 9, 1938. The following appeared:

For the applicant—Robert F. Underwood.

2. The applicant on September 30, 1938, under Order No. 1092, received a contract carrier Certificate from this Commission authorizing him to transport coral rock from Key Largo Quarries, Inc., from Upper Matecumbe Key into Miami over State Highway No. 4-A. This application seeks a limited common carrier certificate to authorize the hauling of this rock generally between these points and up the east coast as far as West Palm Beach.

3. The only other carrier serving the keys south of Miami is the Overseas Transportation Company, a common carrier of commodities generally but which is not equipped to furnish the special service needed in hauling large slabs of rock. There are four quarries at the present time engaged in the business of extracting the rock on these keys and

preparing it for use in the building trades on the lower east coast. The testimony shows that this business requires someone specially equipped to haul this rock up to Miami and West Palm Beach where it is cut into building blocks.

4. The Commission finds that public convenience and necessity require the granting of this application. The applicant proposes to operate on irregular schedule or whenever his services are required, and to charge one cent per ton mile with a minimum of ten tons and a maximum of twelve tons.

WHEREFORE it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of John C. Miller of Miami, Florida, for a Certificate of Public Convenience and Necessity as a limited common carrier to haul coral rock from the keys south of Miami to Miami and West Palm Beach and intermediate points over State highways Nos. 4 and 4-A, on irregular schedule at the rates set forth above be and the same is hereby GRANTED as of December 9, 1938.

DONE AND ORDERED by the Railroad Commission of the State of Florida in session at its office in the City of Tallahassee, Florida, this 9th day of December, 1938.

ORDER NO. 1119,

DOCKET NO. 570.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF JOHN C. MILLER, MIAMI, FLORIDA, FOR EXTENSION OF HIS CONTRACT CARRIER CERTIFICATE OF PUBLIC CONVENTION AND NECESSITY NO. 207 TO AUTHORIZE THE TRANSPORTATION OF CORAL ROCK UNDER CONTRACT WITH KEYSTONE ART CORPORATION OF MIAMI, FLORIDA, FROM ISLAMORADO KEY OVER STATE HIGHWAY NO. 4-A TO MIAMI, FLORIDA.

1. This application is for extension of the applicant's contract carrier certificate to haul coral rock to include contracts with additional shippers. It was set for hearing under Notice No. 600 at West Palm Beach on December 8th, 1938, and indefinitely postponed at that time. Since then, by Order No. 1118 dated as of December 9, 1938, the applicant has been granted a limited common carrier certificate to haul this same commodity.

WHEREFORE it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application

of John C. Miller of Miami, Florida, for extension of his Contract Carrier Certificate be and the same is hereby DISMISSED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 9th day of December, 1938.

ORDER NO. 1120,

DOCKET NOS. 267 AND 571.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: JOINT PETITION OF R. R. BROWN, DOING BUSINESS AS BROWN TRANSFER & STORAGE SERVICE, WEST PALM BEACH, FLORIDA, AND LEACH & ELDER STORAGE COMPANY, INC., JACKSONVILLE, FLORIDA, FOR APPROVAL OF THE TRANSFER OF HOUSEHOLD GOODS PERMIT NO. 251 FROM LEACH AND ELDER STORAGE COMPANY TO R. R. BROWN, DOING BUSINESS AS BROWN TRANSFER & STORAGE SERVICE.

1. This application came on for formal hearing before the Railroad Commission of the State of Florida pursuant to Notice No. 66 at West Palm Beach, Florida, on December 8th, 1938. And then and there appeared the following:

R. R. Brown, one of the Joint Applicants in his own behalf.

Dan R. Schwartz appeared for N. L. Singletary, doing business as Service Transfer of West Palm Beach, and Mary L. Brandon, doing business as Brandon Transfer & Storage Company, West Palm Beach.

Joe H. Elliott for Tamiami Trail Tours, Inc., successors to Elliott-Young Consolidated.

2. Leach and Elder Storage Company, Inc., of Jacksonville, Florida, hold Permit No. 251 authorizing it to transport household goods between Jacksonville and any point in the State of Florida. This application is to transfer this Permit to R. R. Brown of West Palm Beach, Florida, doing business as Brown Transfer & Storage Service.

3. The protestants showed that there were at present three qualified household goods carriers operating out of West Palm Beach, that none of them were operating anywhere near capacity, that there was not enough business to go around and that any other carrier in the field would injure them. No attempt was made by the applicants to prove that public convenience and necessity require additional facilities for household goods transportation out of West Palm Beach. This Com-

mission has declared household goods carriers to be limited common carriers, and according to the law a new certificate cannot be granted in a territory already served without proof of the need of additional facilities. The transfer of this permit from Jacksonville to West Palm Beach is the same as establishing a new carrier in the latter town.

WHEREFORE it is CONSIDERED, ORDERED and ADJUDGED by the Railroad Commission of the State of Florida that the joint petition of R. R. Brown, doing business as Brown Transfer & Storage Service, and Leach & Elder Storage Company, Inc., for transfer of Household Goods Permit No. 251, be and the same is hereby DENIED.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 8th day of December, 1938.

ORDER NO. 1121,

DOCKET NO. 461.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF FLORIDA

IN RE: APPLICATION OF JAMES H. WISE, DOING BUSINESS AS WISE MOTOR LINE, CRESTVIEW, FLORIDA, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO TRANSPORT PASSENGERS FROM FLORALA, ALABAMA, VIA HARRISON'S CROSSING, FLORIDA, SEVA, LAUREL HILL, CAMPTON, GARDEN CITY, AUBURN, CRESTVIEW, NICEVILLE, VALPARASO, FORT WALTON, FLORIDA, AND RETURN. TWO ROUND TRIPS DAILY.

1. Pursuant to Notice No. 603, this matter came on for formal hearing before the Railroad Commission of the State of Florida at Crestview, Florida, on December 20, 1938. Then and there appeared the following:

For the applicant:

Lloyd C. Powell.

For the protestant:

H. H. Sims representing St. Andrews Bay Transportation Company.

2. This application is for authority to transport passengers and light express from Florala, on the Alabama-Florida line through Crestview to Niceville, Valparaso, and to Camp Walton on the Gulf Coast. The applicant has authority from the Interstate Commerce Commission to operate interstate between Florala and Crestview. There is no carrier

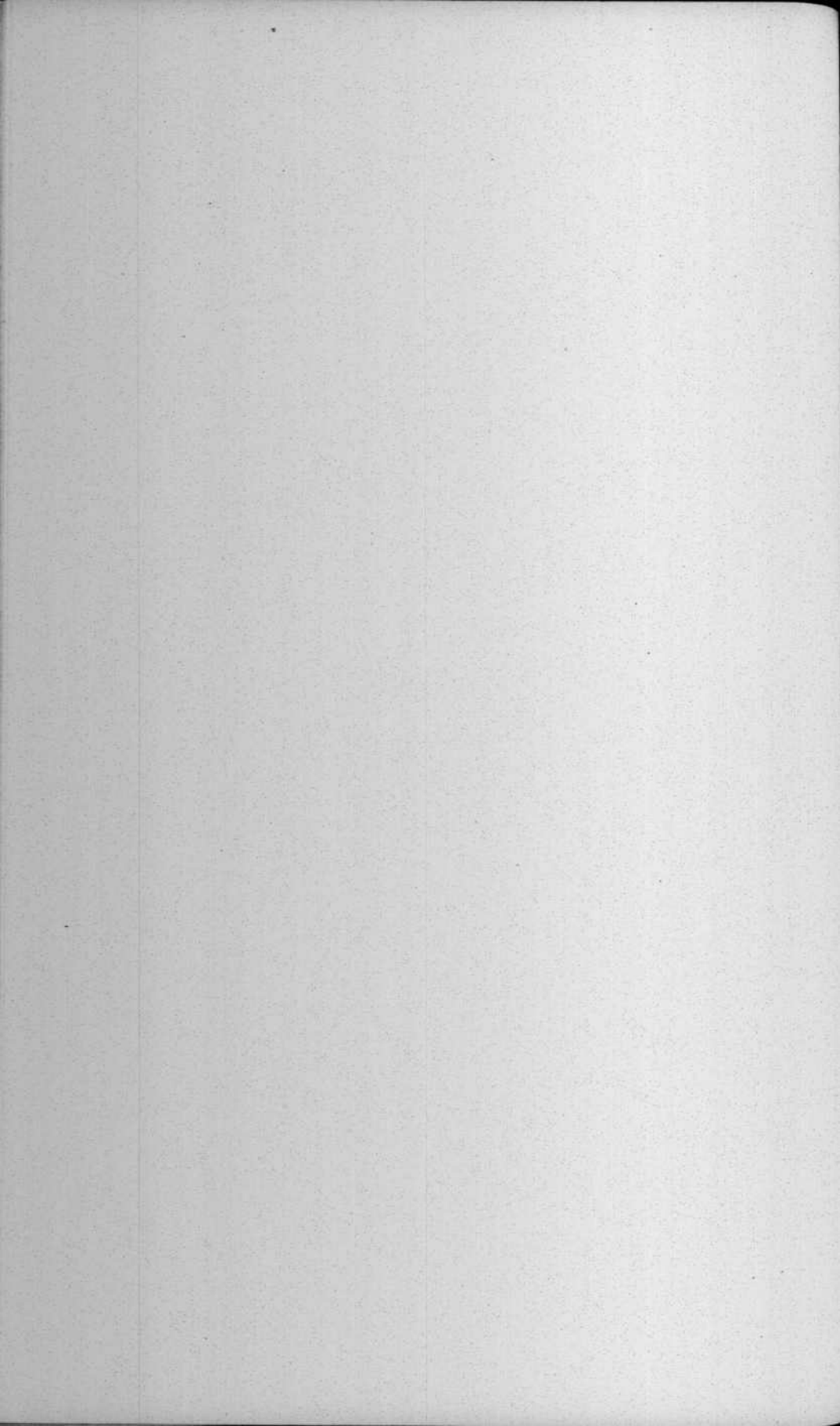
operating between Crestview and Niceville. The St. Andrews Bay Transportation Company operates between Niceville and Camp Walton.

3. The applicant produced many witnesses to show the need for the proposed service and the Commission finds that public convenience and necessity require the granting of this application. The Commission has given careful consideration to the objections of the St. Andrews Bay Transportation Company but is of opinion that it would not be for the best interest of the transportation needed in the area for this applicant to be required to stop at Niceville and interchange with the Bay Line since Camp Walton is but a few miles farther and is the principal point south of Crestview needing this service.

WHEREFORE it is CONSIDERED, ORDERED AND ADJUDGED by the Railroad Commission of the State of Florida that the application of JAMES H. WISE, doing business as WISE MOTOR LINE, for a Certificate of Public Convenience and Necessity to transport passengers and light express from Florala, Alabama, to Camp Walton, Florida, via Crestview, using State Highways Nos. 33, 54 and 10, be and the same is hereby GRANTED as of December 21, 1938.

DONE AND ORDERED by the Railroad Commission of the State of Florida, in session at its office in the City of Tallahassee, Florida, this 21st day of December, 1938.

**Report of
Special Counsel**



REPORT OF SPECIAL COUNSEL TO THE FLORIDA RAILROAD COMMISSION FOR THE YEAR 1938

Counsel for the Railroad Commission employed under the provision of Section 6733 of the Compiled General Laws of Florida, submits the following report for the year 1938.

INTERSTATE COMMERCE COMMISSION CASES

1. Class Rates Within Southern Territory.

On October 1, 1936, the Florida Railroad Commission filed its petition praying the Interstate Commerce Commission to institute an investigation into the Class Rates within Southern Territory, and that an order be issued requiring the establishment of just and reasonable class rates within said territory.

This petition was supplemental to a petition filed by the Joint Conference of Southern State Commissioners and Shippers of which the Florida Railroad Commission is a member.

The present Class Freight rates applicable in Southern territory are the result of investigation and decision of the Interstate Commerce Commission in Southern Class Rate Investigation, Docket No. 13494, and shown in both the original and supplemental reports of the Interstate Commerce Commission and cited and reported in 100 I. C. C. 513; 109 I. C. C. 300; 113 I. C. C. 200 and 128 I. C. C. 567.

This investigation was commenced in 1920 and occupied several years during which economic conditions were unusual and the country was enjoying a period of prosperity greater than has existed since the rates became effective, and prices of commodities at that time were upon a much higher level than at the present time.

Southern territory, as the term was used in the original report in Southern Class Rate Investigation (100 I. C. C. 513) was stated to be roughly the territory east of the Mississippi River and south of the Ohio River and the line of the Norfolk and Western from Bristol, Tennessee-Virginia, to Norfolk, Virginia. It did not include the east corner of Kentucky served by the Chesapeake & Ohio.

For the purpose of the instant proceeding the Interstate Commerce Commission was asked to define Southern territory as:

"that territory beginning at Norfolk, Virginia, (including Newport News, Virginia, and other points in the Hampton Roads area) then following in line of the Virginia Railway to Roanoke, Virginia; then the line of the Norfolk & Western Railway to Kenova, West Virginia (including St. Paul, Virginia, and Bristol,-

Virginia-Tennessee, respectively on the Norton & Bristol lines of the Norfolk & Western Railway, also including the so-called southern Ohio Group); then following the line of the Chesapeake & Ohio Railway to Cincinnati, Ohio (excluding local points on the Chesapeake & Ohio in Kentucky); then following the Ohio River to Cairo, Illinois, including North-bank Ohio River points and Lexington, Kentucky; then following the Mississippi River to New Orleans, Louisiana, and the mouth of the Mississippi River, including the west-bank Mississippi River points; then east along the shore of the Gulf of Mexico to the Atlantic Ocean; then north along the shore of the Atlantic Ocean to Hampton Roads, Virginia."

By Notice dated November 20, 1936, the Interstate Commerce Commission called attention to the petitions that had been filed with it alleging that the present Class rates within Southern Territory are unjust and unreasonable and praying an investigation into said Class Rates, and said:

"The Commission has decided to grant this request and is therefore prepared to enter an order instituting an investigation into the reasonableness of Class Rates within Southern territory, to be defined as including the region bounded on the north by the line of the Norfolk and Western Railway Company between Norfolk, Virginia, and Kenova, West Virginia, and the Ohio River between Kenova and Cairo, Illinois, and on the west by the Mississippi River between Cairo and the Gulf of Mexico, excluding rates between local points on the line of the Chesapeake and Ohio Railway Company in Kentucky, and including rates between Southern territory, on the one hand, and north-bank Ohio River crossings, the so-called Southern Ohio group, and Helena, Ark., on the other hand. Such an investigation would be confined to class rates within Southern territory, without including any interterritorial rates to or from such territory, and the issue would be limited to the matter of lawfulness under Section 1 of the Interstate Commerce Act.

"It is the belief of the Commission that, if such an investigation is instituted, requests will probably be made at once that it be broadened to include various related interterritorial rates, and perhaps that the issues be broadened also. It seems desirable that such matters be given consideration before the investigation is instituted rather than afterward.

"Therefore, the Commission will receive, on or before December 12, 1936, communications with respect to the proposed investigation, either asking that it be broadened, stating ex-

plicitly what broadening is desired and why, or giving reasons why it should not be broadened but confined within the limits above indicated."

This Commission filed its statement with the Interstate Commerce Commission prior to December 12, 1936, and contended that the issues should not be broadened but should be confined within the limits indicated in its petition.

This case has been postponed awaiting decision of the Interstate Commerce Commission in Ex Parte 123.

2. Docket No. MC-2600. In Re: Earle W. Slagle, Contract Carrier Application.

On February 4, 1936 Earle W. Slagle of Lincoln, Nebraska, filed his application with the Interstate Commerce Commission seeking a permit to operate as a contract carrier by motor vehicle in interstate or foreign commerce transporting commodities generally over fourteen specified routes between certain points in Nebraska, Kansas, Minnesota, Wisconsin, Illinois and Colorado. This application was filed under Section 209 (a) and Section 206 (a) of the Motor Carrier Act 1935. These sections contained certain provisions which have come to be known as the "grandfather" clauses.

Division 5 of the Interstate Commerce Commission issued its report and expressed its tentative conclusions in this cause and invited all interested parties and boards and Commissions to file exceptions to this report, if they desired to do so, without formal intervention.

The Florida Railroad Commission filed exceptions and brief to the tentative report of Division 5, objecting to the conclusion reached by that Division that an applicant for a Certificate of Public Convenience and Necessity to engage in interstate commerce on any public highway, even though the applicant claims a "grandfather" right to operate, can shift the burden of proof to protesting State authorities, or other protestants, simply by showing that he had "a genuine intent to conduct a transportation business," and following such intent, did conduct such business on the grandfather date and continuously thereafter, but in utter disregard of the law and the police regulations of the various states over whose roads the operation was conducted.

This Commission contended that the applicant for a Certificate to operate in interstate carriage has not made a prima facie case of "bona fide operations" by simply showing that he has conducted the operation. In addition, he must show that he has acquired rights which deserve protection by the issuance of a Certificate as a matter of course under

the "grandfather" clause. He can acquire such rights only by compliance with State law. The burden, therefore, is upon the applicant to make this showing.

On June 5, 1937, the Commission issued its order and found the applicant entitled to a Certificate as a common carrier of commodities over certain routes holding that where a carrier conducts certain operations without any element of pretense, disguise or concealment, such operations are bona fide as contemplated by the Act. In other words, the applicant established a prima facie case and the burden is upon protestants having knowledge of the operation to produce evidence of a lack of good faith.

Since this case was decided by the Interstate Commerce Commission a Texas case has finally reached the Supreme Court of the United States that seems to hold differently than was held by the Commission.

In the Texas Case McDonald brought his bill against the Railroad Commission of the State of Texas and certain enforcement officers of the State of Texas seeking an injunction to restrain them from interfering with him or his employees while they were engaged in the business of transporting freight in interstate commerce in the State of Texas. A trial was had and the District Court entered a decree granting a perpetual injunction against the Railroad Commission.

The case was appealed to the Circuit Court of Appeals for the Fifth Circuit and was argued before Judges Sibley and Holmes, Circuit Judges and Judge Mize, District Judge. The Circuit Court of Appeals reversed and remanded the case with directions to the lower Court to dismiss the bill.

95 F. (2d) 937.

The Supreme Court of the United States granted a Writ of Certiorari and upon hearing affirmed the Circuit Court of Appeals holding:

"Where an interstate motor carrier was denied the use of the highways by a State Commission during the pendency of his "Grandfather" application under the Federal Motor Carrier Act, 1935, he is not entitled to an injunction against State interference by virtue of his claimed "Grandfather" rights since his operations in defiance of State laws were not bona fide."

McDONALD vs. THOMPSON U. S.
83 L. ED. 168.

3. **Finance Docket No. 11725—Application of Seaboard Air Line Railway, and Its Receivers, to Abandon that Portion of Its Starke-Wannee Branch Extending from Mile Post 707.72 Near Alachua to Mile Post 730.80, the Present Terminus Thereof, at or near Bell, Florida, Approximately 23.08 Miles in Alachua and Gilchrist Counties.**

On July 16, 1936 the Seaboard Air Line Railway, and its receivers, filed application for Certificate of Public Convenience and Necessity permitting the abandonment of approximately 23.08 miles of its Starke-Wannee Branch extending from a point near Alachua to a point near Bell, all in Alachua and Gilchrist Counties, Florida.

The Railroad Commission requested a hearing in this matter and hearing was first set for October 18, 1937 at the Federal Building, Gainesville, Florida. Hearing on this date was postponed.

This matter was finally set for hearing at the United States Court Room, Gainesville, Florida, on January 27th, 1938. Hearing was held before Examiner Schutrumpf and occupied two days.

The protestants through many witnesses established the fact that future traffic possibilities over the territory along this line were good and that much traffic is available.

On June 1, 1938, the examiner issued his proposed report and found that while this line has been operated unprofitably for the past few years, and that some saving could be effected if it were abandoned, there is testimony warranting the finding that for the next few years this line can be operated profitably. The examiner, therefore, recommended that the Interstate Commerce Commission find that the present and future public convenience and necessity are not shown to permit abandonment by the receivers of this property.

On July 2, 1938, the receivers of Seaboard Air Line Railway Company filed their petition before the Interstate Commerce Commission asking that their application be dismissed on the ground that recent developments indicate the possibility of increased activities in the territory tributary to the line, and indicates that the revenue derived from the operation of the line will be increased.

On July 11, 1938 the Interstate Commerce Commission entered its Order dismissing this application.

LAW CASES

1. **L. & L. Freight Lines, Inc., vs. Railroad Commission. Circuit Court Second Judicial Circuit of Florida for Leon County. Judge Love. Injunction.**

On March 31, 1936 bill of complaint was filed by L. & L. Freight Lines, Inc., against the Railroad Commission of the State of Florida in the Second Judicial Circuit in and for Leon County before Hon. E. C. Love, one of the Judges of said Circuit Court, seeking an injunction to prevent the arrest of its drivers and any interference with the operation of its trucks so long as they were engaged in interstate commerce.

Answer of defendants was filed and the matter was fully argued before the Judge of said Court, and on April 4, 1936 an order was entered denying the application for temporary restraining order with prejudice to plaintiff filing amendment to its bill of complaint and renewing its application for temporary restraining order. Thereupon amendment to bill of complaint was filed on April 15, 1936 and answer to amendment to bill of complaint was filed by defendants on same date, and the matter was fully argued before the Judge of said Court who entered his order on the same date denying said temporary restraining order.

In this proceeding all of the orders of the Interstate Commerce Commission extending the effective date of the Federal Motor Carrier Act of 1935 from October 1st to 15th, 1935 were fully argued, the plaintiff claiming a Federal right to operate under said order over the highways of the State, and defendants claiming that the order of September 30, 1935, extending the effective date of said Act, had been properly construed by Judge A. V. Long of the Federal District Court as a mere administrative order made for the purpose of permitting those who were then operating further time within which to file their applications, and did not confer further rights upon carriers who were not operating prior to October 1, 1935. That if said order was construed as conferring rights upon carriers not engaged in interstate commerce on October 1, 1935, the effective date of the order, the matter would be legislative and not administrative, and any attempt to confer this power upon the Interstate Commerce Commission would be an unconstitutional delegation of power and would render Section 227 of the Federal Motor Carrier Act of 1935 void.

The Judge of the Circuit Court, in his order denying said temporary restraining order, said:

“* * * and it appearing to the Court that the legal principles involved in said application for temporary restraining order have heretofore been passed upon and decided adversely to the complainant's contention in a case involving the same parties

before the United States District Court for the Northern District of Florida, and also before Hon. John B. Johnson, one of the judges of the Circuit Court for the Second Judicial Circuit of Florida; and further that such opinions emanating from said Courts are sufficient to generate at least a doubt as to the legal rights of complainant to engage in interstate commerce traffic on the highways of the State of Florida, and along the routes proposed by said complainant."

Thereupon, L. & L. Freight Lines, Inc., took an appeal to the Supreme Court of Florida from the interlocutory order denying application for restraining order entered by the Judge of the Circuit Court on April 15, 1936, and applied for constitutional writ in aid of and incidental to the appeal.

On May 20, 1936 the Supreme Court, by virtue of the power conferred on it by Section 5 of Article V of the Constitution of the State to "issue all writs necessary or proper to the complete exercise of its jurisdiction," granted a modified constitutional writ of injunction pending final hearing on this appeal.

This cause was fully briefed and argued before the Supreme Court of Florida, and on June 26, 1936 the Supreme Court dissolved the constitutional writ entered by it and affirmed the order of the lower Court denying the temporary restraining order. Rehearing was denied on July 16, 1936 and the constitutional writ was dissolved.

The Court in this case held in effect that Congress vested in the Interstate Commerce Commission, by the passage of the Federal Motor Carrier Act 1935, the ultimate authority to investigate and decide which motor carriers have brought themselves within the scope of the protective provisions of the Act insofar as the Federal statute or particular operations appear to be in controversy and require decision upon such statute as a condition to carrier's continuance of operation in interstate commerce. The Court also held that pending findings of fact by the Interstate Commerce Commission on the issue involved in an application for Certificate of Public Convenience and Necessity it is the duty of the State and Federal Courts to protect by injunctive relief temporary benefits conferred by the Act.

L. & L. FREIGHT LINES vs. DOUGLASS, 169 SO. 370; 124 FLA. 696.

Plaintiff, L. & L. Freight Lines, thereupon filed its second amendment to its bill of complaint stating that its application before the Interstate Commerce Commission for a Certificate of Public Convenience and Necessity was being advanced and an early hearing would be had on the same, and alleging that it was the purpose of the inspectors of the Railroad Commission to arrest plaintiff's drivers and attempt to

stop the movement of its motor vehicles in interstate commerce, and the Judge of the Circuit Court, without notice to defendants, entered an order dated July 27, 1936 granting a temporary restraining order in this matter.

This matter is now on final hearing and testimony has been taken of some witnesses but not yet completed.

Hearing before the Interstate Commerce Commission was held at Tallahassee, Florida, beginning September 28, 1936 and concluded October 8, 1936.

On June 14, 1937 Examiner W. W. McCaslin made his report and proposed order recommending the denial of this service between Atlanta, Georgia, and Tampa, Florida, and favored the granting of the application for service in interstate commerce between Atlanta, Georgia, and Tallahassee, Florida, via Americus, Albany, and Thomasville, and also between Tallahassee and Live Oak, Florida, and also between Tallahassee and Marianna, Florida.

Exceptions were filed to this order and argument has been had before the Commission but no order has as yet been entered.

2. L. & L. Freight Lines, Inc., and K. & L. Transportation Company vs. Railroad Commission and State Road Department. United States District Court in and for the Southern District of Florida. Injunction.

On October 28, 1936 L. & L. Freight Lines and K. & L. Transportation Company filed their bill of complaint against the Florida Railroad Commission and the State Road Department, seeking an injunction restraining the defendants, their agents and inspectors from annoying or interfering with the business of plaintiffs in their operation of motor vehicles engaged in interstate commerce transporting interstate freight from Georgia to Florida, or from Florida to Georgia, and from enforcing Section 11 of Chapter 14764, Laws of Florida 1931, or Rule No. 67 of the Rules and Regulations of the Railroad Commission in reference to gross load to be transported by motor trucks over the highways of the State, so long as the plaintiffs motor vehicles do not have an unreasonable or excess load so as to cause an inordinate use of the State highways, or are not violating any of the laws of the State of Florida or the rules and regulations of the Railroad Commission that can be imposed against such carriers.

The defendant, members of the Railroad Commission and of the State Road Department, filed their motion to dismiss bill of complaint on the ground, among others, that the States have never given up their right to prescribe reasonable and non-discriminatory police regulations

governing the gross load weight of vehicles using their highways, and that Congress has not attempted to prescribe the gross load weight of motor vehicles in interstate commerce, and neither the Interstate Commerce Commission nor any other Federal agency has been given any authority to prescribe such weights, nor has the Interstate Commerce Commission, or any other Federal agency, attempted to exercise any such authority or prescribe any such regulations, and, therefore, all reasonable and nondiscriminatory State regulations of the State are valid and enforceable.

This matter was fully argued and the Judge of the United States District Court for the Southern District of Florida entered his order on October 29, 1936, denying motion for temporary restraining order and dismissing the bill of complaint.

A copy of this order and the memorandum of the Judge is as follows:

**"UNITED STATES DISTRICT COURT, SOUTHERN
DISTRICT OF FLORIDA. JACKSONVILLE
DIVISION. No. 866-J-EQ. IN EQUITY.**

"L. & L. FREIGHT LINES, INC., a
corporation, and K. & L. TRAN-
SPORTATION COMPANY, INC., a
corporation,

Plaintiffs,

vs.

"RAILROAD COMMISSION OF
FLORIDA, ET AL., and STATE
ROAD DEPARTMENT OF THE
STATE OF FLORIDA, ET AL.,
Defendants.

ORDER

"This cause having been submitted, after argument upon the pleadings hereinafter mentioned, it is upon consideration thereof,

ORDERED, ADJUDGED AND DECREED:

- "1. The motion, *ore tenus*, of L. & L. Freight Lines, Inc., for a temporary restraining order as prayed in the bill, is denied.
- "2. Motion of defendants to dismiss the bill of complaint, is granted.

"3. Exceptions noted for all parties.

"DONE AND ORDERED AT JACKSONVILLE, FLORIDA, October 29, 1936.

"Louie W. Strum,
U. S. District Judge."

MEMORANDUM

In Sec. 204 (a) (1) of the Motor Carrier Act, 1935, (49 U. S. C. A., 304) Congress authorizes the Interstate Commerce Commission "to regulate common carriers by motor vehicle **as provided in this chapter**, and to that end the Commission may establish reasonable requirements with respect to continuous and adequate service, transportation of baggage and express, uniform systems of accounts, records, and reports, preservation of records, qualifications and maximum hours of service of employees, and safety of operation and equipment.

It is significant, and worthy of particular note, that the regulation of "weights" of such motor vehicles,—obviously a most important element of regulation,—was not included amongst the matters specifically enumerated in Sec. 204 (a) (1). The Act contains no express or specific regulation, nor authority to regulate, motor carriers as to size or weights. If such authority is to be found in the Act it must be spelled out either from the general language "to regulate common carriers by motor vehicle," or by interpretation of the term "safety of operation and equipment."

The argument that such authority is to be found in the quoted phrases is refuted by the specific provisions of Sec. 225 of the Act (49 U. S. C. A. 325) that "the Commission is hereby authorized to **investigate and report on the need** for Federal regulation of the sizes and weights of motor vehicles and combinations of motor vehicles * * *." It should be noted that this section does not provide that the Commission shall **determine** by investigation what the sizes and weights of motor vehicles should be, and thereupon to adopt regulations to put the same into effect. The authority is merely to "investigate and report on" the "need" for Federal regulations of sizes and weights,—a wholly prospective matter, clearly indicating an absence of intent to presently regulate in that respect. If Congress intended to presently regulate in respect of sizes and weights, but desired the Commission to first determine by investigation what the regulations should be and thereafter put the same into effect, more apt language to that end would have, no doubt been used. Sec. 204 of the Act specifically enumerates practically every aspect of regulation, except as to sizes and weights. The language of Sec. 225 of the Act makes it quite clear that the omission of sizes and weights

was no mere oversight, but was deliberate. When that omission is viewed in connection with the language of Sec. 225 of the Act authorizing the Commission to investigate and "report on" the "need" for Federal regulation of sizes and weights,—not to determine what such regulations shall be, nor to put any such regulation in effect, but merely to "report"—the conclusion is inescapable that Congress intended to withhold regulation in that respect until some future time.

Of course, the size and weight of vehicles has an indirect effect upon safety of operation and equipment, as it may enter into a consideration of the type and power of brakes with which the vehicle should be equipped. Primarily, however, size and weight is a problem of road stress,—a problem which may vary widely in different States, as well, as in different part of the same State, depending upon the construction and age of roads. In the latter aspect the problem is therefore one primarily local in nature, which, no doubt, explains why Congress withheld regulation in that respect until the Commission "investigates and reports."

In the absence of Sec. 225 of the Act, it might appear that the Commission has the power to regulate sizes and weights as incidental to safety of operation and equipment, under the powers enumerated in Sec. 204. When viewed in connection with the omission of a specific enumeration as to sizes and weight in Sec. 204 of the Act, Sec. 225 is a clear negation of any present intent on the part of Congress to regulate as to sizes and weights until the Commission has investigated and reported.

The Court has considered the fact that some member of Congress stated in committee or in debate, that when the Commission determined what sizes and weights should be imposed that it could then put such regulations into effect without additional legislation. That statement, however, while pertinent, is a matter of individual opinion of the legislator. The Court is also aware that amendments were offered, which in effect purported to expressly authorize recognition of the continued exercise by the States of their police powers, which amendments were not adopted. But there may have been many reasons for the rejection of these general amendments. Their defeat does not evidence an intention to pre-empt that field of regulation when taken in connection with the other matter hereinabove mentioned.

Before the Court holds that the regulatory police powers of the States are suspended and superseded so as to deprive the States of authority to prescribe sizes and weights of vehicles using State highways in interstate commerce, there must be clear and unmistakable evidence of an intent on the part of Congress to occupy and pre-empt that field of regulation to the exclusion of the States, assuming for the purpose

of this hearing that Congress has the power so to do. For the reasons stated, evidence of such an intent on the part of Congress to regulate as to sizes and weights, is not only lacking, but in the opinion of the Court is negatived by Sec. 225 of the Act.

LOUIE W. STRUM,
U. S. District Judge.

Jacksonville, Florida,
October 29, 1936.

Plaintiff, L. & L. Freight Lines, thereupon filed an amendment to its Bill of Complaint and asked for a rehearing of its previous motion for temporary restraining order which motion was denied by above Order of October 29, 1936.

A rehearing was granted by the Court but limited to the question of whether or not Section 11 of Chapter 14764, Laws of 1931, which limits the weight of common carrier trucks to 12,000 pounds, constitutes an undue burden upon interstate commerce even in the absence of Federal regulation as to size and weight of trucks engaged in interstate commerce. This Order was dated January 13, 1937.

On January 18, 1937 plaintiff filed an amendment to its bill and a reargument was had on the matter.

On February 10, 1937 the Court entered its order denying temporary injunction and set down this matter for hearing before a statutory Three Judge Court in New Orleans, Louisiana, on February 19, 1937.

On March 8, 1937 the Court entered its order denying an interlocutory injunction.

On October 25th, 1937 the Court entered its Order dismissing the above cause without prejudice.

3. L. & L. Freight Lines, Inc., vs. Railroad Commission and State State Road Department of the State of Florida. United States District Court for the Southern District of Florida. Injunction.

L. & L. Freight Lines on December 3, 1936, filed its bill of complaint for injunction in the United States District Court for the Southern District of Florida seeking to enjoin the Railroad Commission of Florida, and the State Road Department, from enforcing against it in its interstate operations that portion of Section 11 of Chapter 14,764, laws of Florida 1931, which limits trucks and trailers to a load of 12,000 pounds. The plaintiff contended that by the Motor Carrier Act of August 9, 1935, Congress assumed the regulation of interstate motor carriers for hire preempting the field to the exclusion of State regulation. In other words,

the direct question presented by its bill is whether or not Congress has assumed the regulation of interstate motor vehicle carriers as to weight, and if so, whether such Federal regulation displaces the Florida regulatory statute.

This matter was argued before the Court and Judge Strum of the Federal District Court denied the injunction holding that the Federal Motor Carrier Act did not include any express regulation nor offer to regulate motor carriers as to size and weight.

The Court held that under Section 225 of the Federal Motor Carrier Act "the Commission is hereby authorized to investigate and report on the need for Federal regulation of the size and weight of motor vehicles and combination of motor vehicles, clearly indicating the absence of intent to presently regulate in this respect." See 17 Fed. Supp. 13.

4. Barber Transportation Company, Inc., vs. Railroad Commission. Circuit Court of Second Judicial Circuit of Leon County. Injunction.

On November 6, 1936, bill of complaint was filed by Barber Transportation Company, Inc., against the Railroad Commission of the State of Florida seeking to enjoin the defendants from interfering with the operations of the motor vehicles of the plaintiff so long as its motor vehicles are operated exclusively in interstate commerce, and not in violation of any reasonable police regulations of the State of Florida. Temporary restraining order was entered on November 6, 1936, and the matter was set down for hearing on November 16, 1936. Defendants filed their answer and motion to dismiss.

In the answer it was contended that Barber Transportation Company had been operating illegally over the highways of the State of Florida and with total disregard of the laws and rules of the Railroad Commission, and had been many times arrested for failure to comply with the police regulations; that it had given checks both to the Railroad Commission, and to the Comptroller for mileage taxes, which checks had been turned down and payment on them refused; and that even though Barber Transportation Company was operating in interstate commerce it wasn't engaged in a bona fide operation, did not come into equity with clean hands, and was not entitled to any relief from a Court of Equity.

This matter was set down for hearing and proof of the allegations of the answer was submitted by defendants. At the close of the testimony of defendants, counsel for plaintiffs made motion for continuance of the case on account of the illness of representatives of the Barber Transportation Company. The taking of further testimony was postponed to

a later date. This hearing was held on December 7, 1936, and no further hearing has been held and the matter is pending upon bill and answer before the Court.

5. Railroad Commission vs. City Taxi Company of Tallahassee, Florida. Circuit Court of Leon County. Injunction.

Many complaints coming to the Railroad Commission that the City Taxi Company of Tallahassee, Florida, was transporting passengers outside the limits of the city of Tallahassee, and the adjacent suburban territory, without a Certificate of Public Convenience and Necessity, and the City Taxi Company refusing to qualify with the Commission and secure a permit for such operation, bill of complaint seeking an injunction to restrain them from such operation, and for the special purpose of obtaining a judicial interpretation of the meaning of "adjacent suburban territory" as set out in Chapter 14764, Acts of 1931, was filed against City Taxi Company in the Circuit Court of Leon County.

A hearing was had before the Judge of said Court on October 2, 1936, on application for temporary restraining order, and also on motion to dismiss the bill of complaint filed by defendants. Motion to dismiss was denied by the Court and the temporary restraining order was orally denied without prejudice to again present the application if defendants persist in violation of the law.

This case is still pending before the Circuit Court of the Second Judicial Circuit of Florida in and for Leon County.

6. State ex rel Five Transportation Company et al., vs. J. M. Lee as Comptroller of the State of Florida—Before the Supreme Court. Mandamus.

On August 17, 1937 certain common and contract carriers by motor vehicle filed their petition for Writ of Mandamus against Mr. Lee as Comptroller to compel him to accept the mileage taxes tendered by the relators covering the miles traveled "for compensation." The purpose of this suit was to have the Supreme Court construe that part of Chapter 18026, Acts of 1937, which applied to the method of payment of the mileage taxes. The old Act provided for the payment of mileage taxes

"for every mile traveled by the motor vehicles of such auto transportation company over the public highways of this State", and the new Act provided

"for every mile traveled **for compensation** by the motor vehicles of such auto transportation company over the public highways of this State."

Counsel for the Railroad Commission represented Mr. Lee, the respondent herein.

On October 4, 1937 counsel for respondent filed a Motion to Quash the Petition and also filed an Answer and Return to the Petition for Writ of Mandamus.

This matter was briefed and argued before the Court and on January 5, 1938, the Court entered its opinion granting the Motion to Quash the Alternative Writ.

On April 28, 1938, on petition for rehearing, the Court granted said petition on the theory that a demurrer to the answer and return of respondent being on file when the Motion to Quash was granted the order granting the Motion and quashing the Alternative Writ should be vacated and the relators given twenty days in which to file such plea as they desired.

Relators thereupon filed a joinder of issue and the Court appointed a Commissioner to take testimony.

Testimony in the case has been closed and the matter is now ready for presentation to the Court on the record made.

7. State ex rel National Trucking Company vs. J. M. Lee as Comptroller of the State of Florida. Supreme Court of Florida. Mandamus.

This is a mileage tax case similar to the above mentioned cause of Five Transportation Company et al., and similar proceedings have been had in it.

8. Acme Freight Lines, Inc., et al., vs. Railroad Commission and State Road Department. Federal Court—Southern District of Florida. Injunction.

On January 15, 1937, Acme Freight Lines, Inc., Blue's Truck Line, Inc., Central Truck Lines, Inc., Goodall Brothers Truck Line, Great Southern Trucking Company, Holstun & Son, Wm. F. Pendleton, K. & L. Transportation Company and Florida Highway Express filed their bill of complaint to enjoin the members of the Railroad Commission and of the State Road Department from enforcing the motor truck weight limitation on trucks operating in interstate commerce only.

The Railroad Commission and the State Road Department filed answer to this complaint on January 29, 1937, and a hearing on the application for temporary restraining order before the Judge of the Southern District of Florida was had in Jacksonville.

On February 10, 1937, the Federal Court entered an order denying temporary restraining order and set this cause down for hearing before a statutory Three Judge Court in New Orleans, Louisiana, on February 19, 1937. Hearing was had before the Three Judge Court and the matter was argued by counsel for the complainants and defendants, and the Court entered an order denying the interlocutory injunction.

This cause is still pending on final hearing.

9. Central Truck Lines, Inc., vs. Railroad Commission and Seaboard Air Line Railway Company. Certiorari. Supreme Court of Florida.

On March 15, 1937 the Seaboard Air Line Railway through its receivers applied to the Railroad Commission for a Certificate of Public Convenience and Necessity to operate motor vehicles between its stations only transporting freight and express brought to its stations for transportation by steam railroad between Jacksonville and Live Oak, Florida, over State Road No. 1, U. S. Highway No. 90. While this application was pending, and before hearing, the legislature of the State of Florida on June 4, 1937 adopted Chapter 18027, Acts of 1937. Thereupon the Seaboard Air Line Railway filed an amended application setting up said Act and moved the Commission to grant its application to operate motor vehicles in the transportation of freight, express and United States mail in intrastate commerce between Jacksonville and Live Oak over State Road No. 1 as a matter of right and without a hearing. This amended application was considered by the Railroad Commission and was substituted for original application, and the authority asked therein was granted by Order No. 1025.

On August 13, 1937 Central Truck Lines, Inc., moved the Commission to permit it to intervene for the purpose of moving to vacate Order No. 1025. The motion to intervene was granted but the motion to vacate and set aside order was denied. Thereupon Central Truck Lines, Inc., filed its petition for Writ of Certiorari in the Supreme Court of Florida praying that Order No. 1025 be reviewed, adjudicated to be void and quashed.

This matter was argued before the Court and on February 9, 1938 the Court in an opinion by Mr. Justice Terrell denied the Writ of Certiorari and dismissed the petition.

On February 23, 1938 petitioner filed his petition for rehearing.

On April 1, 1938, the Court granted the petition for rehearing and the cause was again set down for oral argument on June 1, 1938.

On June 10, 1938 the Supreme Court reaffirmed on rehearing its former opinion.

This case is reported in Fla.; 182 Sou. 783.

10. P. T. Malone, Doing Business as P. T. Malone Horse Pullman Service vs. Florida Railroad Commission. Circuit Court, Dade County, and Supreme Court of Florida. Injunction.

On March 10, 1937 the Railroad Commission issued its Order denying the application of P. T. Malone, doing Business as P. T. Malone Horse Pullman Service for a permit to transport race horses between the Hialeah and Tropical Park's Race Tracks in Dade County, Florida, and ordering P. T. Malone to cease his operations under the temporary permit granted by the Commission on December 10, 1936. (See Leonard Brothers vs. Railroad Commission, above). The Commission held that the operation was one of Common Carriage and not the proper subject for a permit; the order was without prejudice to the filing of a proper application for a Certificate of Public Convenience and Necessity.

On March 15, 1937, P. T. Malone filed his Bill of Complaint in the Circuit Court of Dade County, Florida, seeking an injunction against interference by the Railroad Commission with his hauling of race horses on the ground that the points between which the horses were hauled are within the provision in Section 30, Chapter 14764, Acts of 1931, which exempts operations "within the corporate limits of any City or Town or the adjoining suburban territory, or between Cities and Towns whose boundaries adjoin."

On the same day, March 15, a preliminary injunction was entered as prayed in the Bill.

On March 18, Leonard Brothers Transfer and Storage Company, Inc., and John E. Withers Transfer and Storage Company, Inc., both of Miami filed their petition for intervention and motion to dismiss the Bill, alleging their interest in the suit by virtue of their business as Carriers of race horses between the two race tracks. On the same date, March 18, the Circuit Court allowed the intervention, and entered an order dissolving the preliminary injunction and dismissing the Bill of Complaint.

Notice of Appeal was promptly filed by the plaintiff, and upon the motion of the plaintiff an Order of Supersedeas was signed by Justice Terrell. A motion by the Intervenor to vacate the Supersedeas was denied by the Supreme Court, and on March 29 the Intervenor moved for an early hearing.

While the Appeal was being perfected, on July 2, 1937, the Intervenor filed Motion to Dismiss the Appeal and a Brief thereon alleging that since the entry of their appeal the Legislature had passed Chapter 18028, Acts of 1937, and Chapter 18029, Acts of 1937, both of which amended Section 30 of Chapter 14764, Acts of 1931, by providing that the transportation of race horses and polo ponies should not be exempt unless

conducted entirely within the corporate limits of the same City or Town. This question was briefed by the Appellant and the Intervenor and on July 21, 1937, the Court denied the Motion to Dismiss the Appeal.

Pending the outcome of the Motion to Dismiss, the Railroad Commission withheld the filing of its brief on the merits of the Appeal until August 5, 1937; whereupon the Appellant moved to strike the brief as not being filed within the time provided by the rules of the Court. This motion was replied to by the Commission, and on August 31 the Court denied the motion to strike the brief of the Commission. This case was argued before the Court on April 12, 1938.

On June 15, 1938 the Court affirmed the decree of the Circuit Court for Dade County.

This case is reported in..... Fla.....; 182 Sou. 214.

11. Alice Rogers vs. A. W. Lee, Doing Business as Lee's Coach Line, and Florida Railroad Commission. Suit in Equity, Federal District Court, Northern District of Florida.

This suit was instituted in May, 1937, in the Federal District Court at Marianna, Florida, by a Judgment Creditor of A. W. Lee who does business as Lee's Coach Line and holds a Certificate of Public Convenience and Necessity from the Florida Railroad Commission to carry passengers between Tallahassee and Panama City, Florida over State Road No. 10. The object of the suit is to subject the property of A. W. Lee, including the Coach Line to the payment of two judgements against Lee which were entered in Alabama, and to this end secure the appointment of a receiver.

On May 30, the Railroad Commission filed its answer alleging its interest in the suit by virtue of its jurisdiction over Lee's Coach Line and requesting that it be allowed to advise the Court in the appointment of any receiver for Lee's Coach Line or in any disposition that might be made of Lee's Coach Line in the suit.

No further steps involving the Railroad Commission have been taken, and the matter is now pending before the District Court.

12. State ex rel Chester Fohl vs. Frank Karel, as Sheriff of Orange County, Florida. Supreme Court of Florida, Original Proceeding in Habeas Corpus.

On February 12, 1937, one Chester Fohl was arrested by an Inspector for the Railroad Commission while transporting into Orlando, Florida,

from Pennsylvania, a truck-load of crates, wrapping paper, and other citrus supplies. He was charged with transporting these products for compensation without authority from the Railroad Commission.

At a preliminary hearing held June 4, 1937 before a Justice of the Peace in Orange County, the Defendant was bound over for trial before the Criminal Court on a state of facts agreed to by his counsel and by counsel for the Railroad Commission. According to these facts the truck operated by the Defendant was owned jointly by Walter Howe, a citrus fruit broker, and Rice Trew & Rice Co., Inc., a manufacturer and seller of citrus supplies, both of Pennsylvania. The truck was jointly operated by these two merchants, used solely to transport their products, and the Defendant was paid and the expenses of operating the truck were paid out of a common operating fund to which both parties contributed in proportion to the use of the truck in transporting their products respectively.

On June 28, the Defendant petitioned the Supreme Court for a writ of Habeas Corpus and the writ was issued by Justice Ellis. The suit was brought as a test case to determine whether or not the Railroad Commission has jurisdiction over what was agreed to be a bona fide joint ownership and joint operation of a truck.

The Sheriff's return to the writ was duly filed alleging that the Defendant was held under the warrant of arrest and the commitment containing the agreed facts. Briefs were filed and oral argument was held before the entire Court on July 20, 1937. On October 28, 1937, the Court rendered its opinion remanding the petitioner for trial. The Court was divided three and three.

A motion for re-hearing was filed by the Petitioner: A rehearing was ordered by the Court, the case was briefed again at length by both parties and re-argued before the entire Court on February 8, 1938.

On March 30, 1938, the Court in a four to two decision discharged the defendant from custody holding that two merchants may jointly own and operate a truck in transporting their products without coming under the jurisdiction of the Railroad Commission. This holding applies only to what was agreed by counsel for the Commission to be a bona fide joint ownership of the vehicle involved.

This case is reported in 180 Sou. 3.

13. E. M. Fry vs. Florida Railroad Commission. Circuit Court, Marion County and Supreme Court of Florida. Injunction.

E. M. Fry on June 11, 1937 filed his Bill of Complaint against John L. Travis, the Inspector of the Railroad Commission located at Ocala,

Florida, and against the members of the Commission to restrain any interference over the hauling by Fry of power transformers belonging to the Florida Power Corporation. Several days previous to the filing of the Bill, Fry had been arrested by the Inspector for the Commission for transporting from a point near Brooksville, Florida, to Ocala, Florida a transformer for the Florida Power Corporation without any authority from the Railroad Commission to haul for compensation.

The Bill of Complaint was brought on the theory that the Railroad Commission has no jurisdiction over hauling that is only incidental to other labor performed for the owner of the goods hauled. Many facts were alleged to show that the principle labor performed by Fry on the occasion of his arrest was that of unhooking the transformer from its station on the power line and loading it on the truck for transportation and that Fry performs other work of a similar nature for the Florida Power Corporation, each job being performed under separate contract.

A restraining Order was issued by the Circuit Court and on June 26 the Railroad Commission filed its answer, a motion to dismiss, and a motion to dissolve the injunction. After a hearing on the motion to dismiss the Circuit Court denied the same and on July 28, 1937, a final hearing on the merits was held and testimony was taken before the Circuit Judge. The testimony substantiated the allegations of the Bill and showed that while compensation was received by Fry for the hauling done it was only a minor part of the total amount received under the contract which included the hauling. A final decree was entered August 4, enjoining and restraining the Commission from interfering with the hauling by Fry of power transformers belonging to the Florida Power Corporation so long as such hauling was a part of and incidental to contracts for services which included working other than hauling.

The Commission filed Notice of Appeal assigning as errors the entry of the permanent injunction and the failure of the Circuit Court to dismiss the Bill of Complaint.

The appeal has been perfected, briefs have been filed, the case has been orally argued and is now pending before the Supreme Court.

14. J. H. Wimberly, Trading and Doing Business as Wimberly Transfer Company, vs. Florida Railroad Commission. Circuit Court, Duval County, Florida. Injunction.

On June 26, 1937, J. H. Wimberly doing business as Wimberly Transfer Company filed his Bill of Complaint in the Circuit Court for Duval County, Florida against the members of the Railroad Commission and its Inspectors seeking an injunction to restrain interference with the operation of his motor trucks in hauling for compensation in interstate

commerce between points in Georgia and into Jacksonville, Florida. Plaintiff alleged that he was engaged in interstate commerce prior to June 1, 1935, had filed a proper application for a Certificate of Public Convenience and Necessity before the Interstate Commerce Commission, and was entitled to "Grandfather" rights under the Federal Motor Carrier Act of 1935; and that, therefore, he was entitled to operate as a matter of right in Florida until such time as his rights under the Federal Motor Carrier Act could be determined by the Interstate Commerce Commission.

A Preliminary Restraining Order was entered upon the filing of the Bill, enjoining and restraining the members of the Railroad Commission and their Inspectors from interfering with the operations of the Plaintiff so long as the same were conducted exclusively in interstate commerce and not in conflict with the tax laws of the State of Florida or the laws with respect to the length, width, size, and weight of motor vehicles.

On July 2, 1937, the Railroad Commission filed its Motion to Dismiss the Bill, Motion to dissolve the Injunction, and its answer alleging that the Plaintiff was not entitled to "Grandfather" rights under the Federal Motor Carrier Act because it was not in bona fide operation on or before June 1, 1935, since it had never made application to or received from the Florida Railroad Commission any authority to engage in interstate commerce over the highways of this State and any operations that the Plaintiff had conducted prior to said date were in violation of the Laws of the State of Florida.

After hearing and argument by Counsel on July 24, the Circuit Judge entered an Injunction against the Florida Railroad Commission, holding that the alleged "Grandfather" rights of the Plaintiff were entitled to be protected until finally determined by the Interstate Commerce Commission.

No further proceedings have been had in this case and the same is pending the final outcome of the Interstate Commerce Commission Application of the Plaintiff.

15. State ex rel Kelly, vs. Ramsey, Sheriff. Supreme Court of Florida. Habeas Corpus.

On April 8, 1938 an Inspector of the Railroad Commission caused the arrest in Gainesville, Florida, of six taxi cab drivers for the City Taxi Company of Tallahassee. They had transported a group of college girls from the Florida State College for Women to Gainesville. They were charged with operating a taxicab outside of the corporate limits of a municipality without authority from the Railroad Commission.

On April 11, 1938, one of the taxi drivers secured a Writ of Habeas Corpus from the Supreme Court of Florida and contended that the Florida Railroad Commission had no jurisdiction over taxi cabs when operated on occasional trips outside the city of their principal place of business. Counsel for the Railroad Commission represented the Sheriff of Alachua County who was the respondent in the case. Briefs were filed before the Supreme Court.

On June 6, 1938 the Court handed down a unanimous opinion remanding the petitioner to the Sheriff of Alachua County to be tried for violating the law. The Court held that the Railroad Commission had jurisdiction over the operation of taxi cabs outside the corporate limits of municipalities.

STATE vs. RAMSEY, Fla....., 181 So. 885.

16. H. O. Rooks, Doing Business as Rooks Coach Line, vs. Tamiami Trail Tours, Inc., and Florida Railroad Commission. Circuit Court, Leon County. Bill for Declaratory Decree, Rescission and Other Relief.

On July 10, 1938, this suit was started in the Circuit Court of Leon County for the purpose of having the Court construe a contract entered into between Rooks and Tamiami Trail Tours, and declaring a rescission of such contract and revocation of Order No. 1063 of the Railroad Commission approving the same and transfer of Certificate from Rooks to Tamiami Trail Tours.

Answer of the Railroad Commission was filed in this cause.

Subsequently an agreement was perfected between Rooks and Tamiami Trail Tours and the Commission approved a sale by Rooks Coach Line of its Certificate to A. W. Lee, doing business as Lee's Coach Line (Order No. 1104) and this cause was dismissed.

17. State of Florida, vs. Georgia Southern & Florida Railway Company. Duval Circuit Court. Injunction.

The G. S. & F. Railway Company owns and operates a line of railroad from Valdosta, Georgia, to Palatka, Florida. This line is approximately 133 miles in length with 18 miles lying in Georgia and 115 miles within the State of Florida. For many years this railroad operated a daily mixed train service over its line of railroad.

On July 27th, 1938, this road filed with the Railroad Commission an application to permit it to substitute a modified service on its line of railroad, that is to say, it desired to operate a three day a week

service, Sunday excepted. This application was dismissed by the Railroad Commission on the ground that Section 6707, Compiled General Laws of Florida, only permitted the Railroad Commission to allow one mixed train each way daily except Sunday, and since the rail line was operating this minimum service the Commission could not grant the relief prayed in the petition. The rail line thereupon wrote a letter to the Commission that on August 22, 1938 it proposed to substitute this modified three days a week service.

Bill of complaint was thereupon filed in the Circuit Court in and for Duval County to restrain the Railroad Company from inaugurating this service. Answer was filed and a hearing had before the Judge of the Circuit Court of Duval County. On September 29, 1938, the Court entered its order dismissing the bill of complaint denying the relief prayed for and held that in this particular case Section 6707 was unconstitutional in that it violated the rights of the railroad reserved to it under the Fourteenth Amendment to the Constitution of the United States and deprived it of property without due process of law in violation of its rights and in violation of the rights under Section 12 of the Declaration of Rights of the Constitution of Florida.

On October 15, 1938, the State of Florida, acting through the Railroad Commission, the plaintiff in this cause, filed its notice of entry of appeal to the Supreme Court of Florida.

This cause has been fully briefed and is awaiting oral argument in the Supreme Court.

18. State ex rel Sanders, vs. Ramsey, Sheriff. Original Proceeding in Habeas Corpus. Supreme Court of Florida.

The petitioner in this case, B. M. Sanders, was arrested on August 5, 1938, by both an Inspector of the Florida Railroad Commission and a representative of the Motor Vehicle Commission of the State of Florida. He was charged with operating a truck in the transportation of raw unshelled peanuts from a dealer in Virginia to a dealer in Tampa, Florida, for compensation without having secured a Florida "For Hire" license tag and without having secured from the Railroad Commission any authority to haul these products for compensation.

A preliminary hearing was held on August 22, 1938 before Honorable B. D. Hiers, County Judge of Alachua County, in whose jurisdiction the arrest took place, and the facts concerning the transportation were agreed upon and stated in a commitment issued by the County Judge under which the petitioner was held for trial.

Immediately thereafter the petitioner secured a Writ of Habeas Corpus from the Supreme Court of Florida directed to the Sheriff of Alachua County. The petition was concerned only with the charge that the petitioner was violating the Motor Transportation Act, Chapter 14764, Laws of Florida, 1931, which the Railroad Commission is charged with enforcing. The contention of the petitioner was that he could not be required to operate under a "For Hire" license tag and, therefore, did not come under the jurisdiction of the Railroad Commission.

Since the case involved an interpretation of both the Motor Vehicle Licensing laws and the Motor Transportation Act, the Attorney General of Florida has assisted Counsel for the Railroad Commission in representing the respondent before the Supreme Court.

The case has been briefed by the parties and is now pending in the Supreme Court.

The foregoing is a brief resume of the more important cases participated in and handled by your counsel before the Interstate Commerce Commission and the law Courts. This report gives no consideration to the many hearings before the Commission which counsel attend, nor to the volume of correspondence incident to their duties, nor to the number of opinions they are called upon to render and write upon various phases of the regulatory law.

For the convenience of the Commission, and of those who appear before it in various cases an appendix is attached hereto listing the more important cases in which the motor vehicle statute has been construed by the Courts with a short statement of the holding of the Courts in each case.

Respectfully submitted,

THEO. T. TURNBULL,
Counsel.

WM. P. SIMMONS, JR.,
Assistant Counsel.

APPENDIX**Decision Interpreting Florida Motor Transportation Laws**

Cahoon vs. Smith, 99 Fla. 1174; 128 So. 632. Decided May 21, 1930.

Smith, the owner and operator of two motor vehicles used to transport goods under private contract for compensation on the public highways between fixed termini and over regular routes, was arrested for failure to apply for and secure a Certificate of Public Convenience and Necessity and conform to the other requirements of Chapter 13,700, Acts of 1929. He brought habeas corpus and the circuit Court for Duval County held the Act unconstitutional as applied to such carriers. This was reversed on appeal, the Supreme Court holding:

1. Chapter 13,700, Acts of 1929, not invalid as to title.
2. The mileage tax imposed, not invalid because a "toll" for the use of public highways, but is a valid "license" upon the business of transporting for compensation. (Sec. 14, Ch. 13,700, Acts of 1929.)
3. The exemptions in the Act are not arbitrary, unreasonable, or unlawfully discriminatory. (Id. Sec. 1.)
4. The Act does not require private carriers to assume common carrier functions and liabilities, the provisions applicable to private carriers for compensation are separable. (Id.)

(This case reversed by the Supreme Court of the United States. See Smith vs. Cahoon below.)

Smith vs. Cahoon, 283 U. S. 555; 75 L. Ed. 1264. Decided May 25, 1931.

Appeal from the decision of the Supreme Court of Florida in the case of Cahoon vs. Smith, 99 Fla. 1174, 128 So. 632, which upheld the constitutionality of Chapter 13,700, Laws of Florida, Acts of 1929, as applied to private contract carriers for compensation. **HELD:** Florida Supreme Court reversed; statute invalid as to applicant:

1. The statute purports to require such private carriers to assume the duties and liabilities of common carriers, there being no distinction between the two on the face of this statute and the imposition of such obligations on private carriers being beyond the power of the State. (Ch. 13,700, Acts of 1929.)
2. The statute is void for uncertainty because not expressly distinguishing the provisions legally applicable to private carriers from those applicable to common carriers. (Id.)

3. The Act is void because of discrimination in favor of certain private carriers who are exempted, (as against others engaged in like transportation) the classification not being based on anything related to public safety on the highway. (Id.)

Florida Motor Lines vs. Railroad Commissioners, 100 Fla. 538; 129 So. 876. Decided August 4, 1930.

After hearing, Commission granted Georgia-Florida Motor Lines authority to substitute four 25-passenger busses for the five 7-passenger sedans it had been operating under its "grandfather" certificate. Florida Motor Lines objected on the ground that it was operating in the territory involved (Jacksonville to Miami) and was allowed under its certificate sufficient equipment to take care of twice the number of passengers using bus service, and no public convenience and necessity had been shown by applicant. Relief is sought by certiorari.

HELD: Order of Commission quashed:

1. Under Chapter 13,700, Acts of 1929, application for substitution of busses as here was in nature of application for new service, and others already rendering similar service should be considered, and the law contemplates consideration of their rights and privileges where they will be materially injured. Commission did not give due consideration to the statutory privileges of petitioner or to the rights of the public to exclude unnecessary vehicles from operating for hire over the highways. (Sec. 3, Ch. 13,700, Acts of 1929.)

2. Writ of certiorari is proper method of appeal from quasijudicial or judicial orders of Railroad Commission, the ultimate adjudication being to quash the judgment or order reviewed or to quash the writ of certiorari.

3. Administrative, ministerial and judicial functions of Railroad Commission upheld as constitutional and not being among those "powers of government" which must be separately administered by the three main departments.

Seaboard Air Line Railway Company vs. Wells, 100 Fla. 1027, 130 So. 587. Decided October 28, 1930.

Commission granted Union Bus Company authority to inaugurate night schedule between Jacksonville and Marianna without considering the effect on existing rail service. The Railway company brings certiorari.

HELD: Order of Commission quashed because due consideration not given to existing rail service.

1. The provision in Chapter 13,700, Acts of 1929, providing that in granting an application for a certificate the Commission "may take into consideration" certain elements including the effect it may have "upon other transportation facilities within the territory" means such consideration **MUST** be given since the proceedings are for the public benefit, and rail service is among the facilities to be considered. (Sec. 3, Ch. 13,700, Acts of 1929.)

2. The word "necessity" as used in the statute does not mean an absolute and indispensable necessity, but one reasonably necessary to meet the public needs. Public convenience and necessity must to a large extent depends on facts of each case. (Id. Sec. 2.)

3. Certiorari is the proper remedy (Citing Fla. Motor Lines vs. Railroad Commissioners, 100 Fla. 538; 129 So. 876.)

In re Edwards, 100 Fla. 989; 130 So. 615. Decided October 22, 1930.

About a year after April 19, 1929 ("Grandfather date" in Chapter 13,700, Acts of 1929) Edwards applied for and was denied by the Commission a certificate, claimed as a matter of right, to operate a truck service between Haines City and Orlando. On certiorari to review Commission order.

HELD: Certiorari denied:

1. "Grandfather" privilege was not exercised within a reasonable time. (Sec. 3, Ch. 13,700, Acts of 1929.)

2. Petition for Writ of Certiorari must set forth the substance of the evidence if it is to be relied upon in any way to show the invalidity of a Commission order based upon it—mere setting forth the order with the statement that it was unsupported by the evidence is insufficient, being a conclusion of the pleader.

Seaboard Air Line Railway Company vs. Wells, 100 Fla. 1631; 131 So. 777. (Known as the Pace Case). Decided January 8, 1931.

Upon application and hearing under Chapter 13,700, Acts of 1929, H. T. Pace was granted by Railroad Commission a certificate of public convenience and necessity to operate a truck service between Jacksonville and Tallahassee. The Commission did not consider the effect on existing rail carriers and whether they could furnish any additional service needed. The Seaboard brings certiorari to quash the order of the Commission.

HELD: Commission order quashed:

1. Commission did not proceed in accordance with the essential requirements of the law in refusing to consider the existing rail and express service. (Sec. 3, Ch. 13,700, Acts of 1929.)

2. "There was no evidence showing that there was any real public necessity for its (applicant's) operation, when the service afforded by the railway and express companies is taken into consideration." (Id. Sec. 2.)

Florida Motor Lines vs. State Railroad Commission, 101 Fla. 1018; 132 So. 851. Decided March 3, 1931.

(See previous case between same parties, 100 Fla. 538; 129 So. 876.)

The Commission granted Georgia-Florida Motor Lines authority to substitute 24-passenger busses for 7-passenger sedans on their run from Jacksonville to Miami on ground of public safety, comfort and convenience. The order granted protestant Florida Motor Lines a similar privilege upon proper showing being made. The latter brings certiorari to quash the order of the Commission on the ground that it was an existing carrier over the route that it had not failed to provide facilities satisfactory to the Commission and that there was no necessity for further passenger facilities over the route.

HELD: Certiorari denied:

1. Under Chapter 13,700, Acts of 1929, if there is substantial competent evidence legally sufficient to support the findings of the Commission, and no rule of law was violated, and the whole records does not show an abuse of authority or arbitrary action, the Commission order will not be set aside on certiorari.

2. Proof of public convenience and necessity as would support a new operation is not necessary to permit an existing certificate holder to improve its service by changing its type of equipment even over a route served by other carriers. (Sec. 3, Ch. 13,700, Acts of 1929.)

3. Order denies no right of Florida Motor Lines secured to it by statutes especially as here where the schedule of the two carriers are different and they operate from different termini. (Id.)

4. Railroad Commissioners are statutory officers and can exercise only such authority and functions as are expressly or impliedly provided for in statutes.

5. "The state may forbid the use of its highways in the business of transportation for hire even in interstate commerce, if no unjust discrimination is thereby perpetrated and federal instrumentalities are not hindered."

6. In absence of federal regulations, number, nature, size, weight and operation of vehicle used for hire on public highways may be regulated even as to interstate commerce, where such commerce is not discriminated against or unduly burdened. (Sec. 3, Ch. 13,700, Acts of 1929.)

Alkazin vs. Wells, 47 Fed. (2) 904. Decided 1931.

Application for interlocutory injunction before a three-judge Federal District Court against the Florida Railroad Commission to restrain the enforcement against applicant of the provisions of Chapter 13,700, Acts of 1929, the contention being that since applicant was engaged exclusively in the interstate transportation of passengers, that such Act as to him is violative of the commerce clause of the United States Constitution of the fourteenth amendment to that Constitution and of the Federal Aid Act and the Federal Highway Act.

HELD: Interlocutory injunction denied:

1. State may require interstate motor carrier to obtain certificate of convenience and necessity as prerequisite of use of public highways, the same is grantable on application as matter of course. (Sec. 2, Ch. 13,700, Acts of 1929.)

2. State regulations enforceable against interstate carrier:

- a. Payment of reasonable, nondiscriminatory mileage tax. (Id. Sec. 14.)
 - b. Reasonable regulations for protection of safety and comfort of passengers. (Id. Sec. 5.)
 - c. Bond or insurance for protection of persons, other than passengers, who sustain injury due to carrier's negligence. (Id. Sec. 4.)
 - d. Others which are not named.
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Tyson vs. Stoutamire, 104 Fla. 505; 140 So. 454. Decided March 21, 1932.

Tyson was arrested for transporting, but not for compensation within the terms of Chapter 14764, in a private motor vehicle a greater gross load than the 16,000 lb. limit prescribed by Section 3 of Chapter 15625, Acts of 1931, the Motor Vehicle Licensing Act. He contends these laws create an unlawful discrimination against him since a certificated vehicle under

Chapter 14764 is allowed a greater weight. Relief sought by Habeas Corpus.

HELD: No denial of equal protection of the laws:

1. The legislative classification of public service vehicles as against private ones for the purpose of regulation is valid and reasonable. (Sec. 1, Ch. 14,764, Acts of 1931.)

2. The legislature may impose on carriers for compensation such greater or less burden as its wisdom may dictate. (Id.)

3. Chapters 14764 and 15625 are not in irreconcilable conflict but are *pari materia* and must be construed together since both passed the same session of Legislature, both deal with same general subject and the later provides that nothing therein shall repeal the former. (Purpose and intent of the two Acts stated.) (Id. Sec. 11.)

L. & N. Railway Company vs. Matthews, 104 Fla. 603; 140 So. 469. Decided March 31, 1932.

(See previous case of Seaboard Air Line Railway Company vs. Wells, 100 Fla. 1027; 130 So. 587.)

Certiorari by rail carriers to review Railroad Commission order granting to Union Bus Line a certificate of public convenience and necessity to operate night service between Jacksonville and Marianna.

HELD: Writ quashed.

1. On certiorari, even tho the court might have reached a different conclusion on the evidence, this would not justify substitution of its judgment for that of the Railroad Commission within whose jurisdiction lies the power to decide the question of public convenience and necessity. (Sec. 3, Ch. 14,764, Acts of 1931.)

2. Review of findings and conclusions of Railroad Commission on certiorari is not appellate in its nature, so as to determine whether error was committed as on writ of error or appeal. (Id.)

Riley vs. Lawson, 106 Fla. 521; 143 So. 619. Decided August 24, 1932.

Riley, a citizen and taxpayer, brought a Bill of Complaint under Section 25, of Chapter 14764, Acts of 1931, to enjoin Lawson from engaging in the business of hauling as a "private contract carrier" as defined in the Act without having secured a certificate or permit from the

Railroad Commission. The circuit judge dismissed the bill, holding the Act unconstitutional as applied to private contract carriers.

HELD: Act constitutional.

1. Use of public highways for gain is special and extraordinary, is not a right but a privilege even as to private contract carriers, and may be prohibited entirely by the Legislature which may permit such use on certain conditions and under certain regulations.

2. Two principles under which state may regulate the use of public highways for gain are:

- a. Nature of the business—hauling for compensation.
- b. The right to conserve and protect public highways.

3. While the state may entirely prohibit the use of the highways for gain, there are limitations on its right to condition such use.

- a. It may not exact as a condition the surrender of any right guaranteed by the federal constitution.
- b. It cannot deny to permittees of the same class the equal protection of the laws. This rule does not limit wide discretion in classifying under the police power, presumption being that such legislation is valid when any conditions are present which will warrant the classification made. Under this rule motor vehicles may be treated as a special class.

4. Private contract carriers may be separately classified and dealt with as distinguished from common carriers, and such private carriers who operate in continuous and recurring carriage may be regulated separately from those whose operations are ordinary or casual. (Long discussion of the three classifications in the Act.) (Secs. 3, 4, 5, Ch. 14764, Acts of 1931.)

5. Construed as a whole the Act contemplates that private contract carriers be granted certificates as a matter of course, no public necessity or demand required to be shown, but consideration must be given to existing facilities and whether the proposed use of the highways would be an inordinate one. (Id. Secs. 4 and 5.)

6. The Act does not impair the right to contract—"the rule is that, if the power exists to accomplish the regulation attempted, such interference with the right to contract is justified as an aid to its exercise." (Id. Sec. 4.)

7. Since the Act on its face specifically sets forth the portions applicable to private contract carriers, such a carrier can be protected

by appropriate judicial proceedings from enforcement against him of inapplicable provisions. (Id. Secs. 4 and 28.)

Dickinson vs. Cahoon, 107 Fla. 155; 144 So. 345. Decided October 24, 1932.

Attack by habeas corpus on the right to enforce the general 16,000 lb. gross vehicle weight limit prescribed by the Motor Vehicle Licensing Act as against certificated carriers under Chapter 14764, Acts of 1931.

HELD:

1. "Chapter 14764, as a regulatory Act, is complete in itself. Without reference to any other statute in this state, this special Act dealing with certificated motor vehicles, contains within its four corners all the principles of regulation and supervision which are to be applied to those certificated vehicles falling within its purview."

2. The motor vehicle law (now Chapter 15625, Acts of 1931) is principally a licensing and taxing measure intended for motor vehicles generally, but Chapter 14764, being a separate classification of particular vehicles used for hire, rendered inapplicable as to such vehicles the regulation as to weight, speed, etc., in the licensing Act. (Secs. 11, 12, 13, Ch. 14764, Acts of 1931.)

3. The legal effect of the last paragraph in Section 11 of Chapter 14764 is to limit the combined weight and load of all vehicles operating under that Act to 24,000 lbs. (Id. Sec. 11.)

4. The Railroad Commission may be "some special regulation—within the scope of its power to make reasonable rules and regulations applicable to any and all transportation companies," restrict the weight limit of vehicles under its jurisdiction to less than 24,000 lbs. (Id. Sec. 11.)

Central Truck Lines vs. Railroad Commission, 109 Fla. 395; 147 So. 590. Decided April 13, 1933.

Strickland Transfer Company, a certificated operator between Orlando and Tampa, having purchased under authority from the Commission the certificate rights of Merchants Transfer Company, which operated between Orlando and Daytona Beach, applied for and received the approval of the Railroad Commission to change its combined schedule from Daytona Beach to Tampa, so as to provide an expedited service. Central Truck Lines, brings certiorari to quash the order of the Commission contending the new schedule creates a new service for which there is no necessity if rights of existing carriers, who already operate

thru schedules and are able and willing to furnish any additional service, as considered.

HELD: Writ of certiorari quashed:

1. Commission may grant improved schedule to carrier without considering effect on competing carriers, this not being the granting of a new service. (Sec. 3, Ch. 14,764, Acts of 1931.)

2. Findings and conclusions of the Commission will not be set aside on certiorari where there was substantial competent evidence to sustain them and no rule of law was violated and the record discloses no abuse of authority or arbitrary action. (After discussion of the evidence). (Id. Sec. 3.)

3. Under Chapter 14764, Commission must consider effect on competing lines only:

- a. When new certificate is sought.
- b. When approval is sought for transfer of certificate. (Id. Secs. 3 and 4.)

Merchants Mutual Association vs. Matthews, 110 Fla. 325; 149 So. 27. Decided May 30, 1933.

Appellant is a co-operative association organized for the express purpose of transporting at actual cost the goods of its stockholders only, and seeks an injunction (denied by the Circuit Judge) to restrain any interference with its operations by the Railroad Commission.

HELD: Injunction denied:

1. The organization is a private contract carrier because it contracts with its stockholders and hauls for them for compensation, and is therefore under the jurisdiction of the Railroad Commission. (Secs. 1 and 4, Ch. 14,764, Acts of 1931.)

Matthews vs. State ex. rel. St. Andrews Bay Transportation Company, 111 Fla. 587; 149 So. 648. Decided August 2, 1933.

The Commission denied application of Union Bus Company to extend its interstate bus operations from Marianna, Florida, to Dothan, Alabama, on ground that application did not appear to be exclusively interstate. Applicant then amended its application to show that proposed service would be entirely interstate. The St. Andrews Bay Company obtained a writ of prohibition against the Commission prohibiting further proceedings on the amended application on the ground that Section 3 of

Chapter 14764 prohibited the Commission from considering same within six months from date of the denial of the original application.

HELD: Reversed.

1. Section 3 of Chapter 14764 cannot bar from consideration an application for a purely interstate operation merely because of the denial of one for intrastate rights. (Sec. 3 of Ch. 14,764, Acts of 1931.)

2. Commission orders under Chapter 14764 are not res adjudicata, but Commission has inherent power to grant rehearings and modify previous orders. (Id.)

3. Commission may be required to comply with Section 3 of Chapter 14764 by appropriate processes directed by Circuit Court (Prohibition used here) when invoked by proper party. (Id. Sec. 3.)

Leonard vs. Sweat, 114 Fla. 60; 152 So. 857. Decided February 21, 1934.

Habeas corpus to test right of common carrier by motor truck to transport a gross load in excess of the 18,000 lbs. limit prescribed by Chapter 16085, Acts of 1933, (the Motor Vehicle Licensing Law).

HELD: (On authority of Dickinson vs. Cahoon, 107 Fla. 155; 144 So. 345.)

1. Railroad Commission may issue authority under Chapter 14764, to transport a gross weight of 24,000 lbs., Chapter 16085 in no way repealing Chapter 14764, and Chapter 16085 being merely an amendment to Chapter 15625, Acts of 1931, which was held in Dickinson vs. Cahoon, supra, to be inapplicable so far as weights are concerned to vehicles under the jurisdiction of the Railroad Commission. (Sec. 11, Ch. 14,764, Acts of 1931.)

(Mr. Justice Davis concurs on ground that the Attorney General, the Railroad Commission and the Motor Vehicle Commissioner have all concurred in a construction of the uncertain weight provisions of Chapter 16085 in favor of petitioner's contentions, so that criminal liability under such act must be resolved in favor of accused).

Coleman vs. Achim, 114 Fla. 89; 153 So. 96. (Share Expense Case.) Decided February 27, 1934.

Habeas corpus to test the right to operate without authority from the Railroad Commission of the owner of a private vehicle who on only one occasion transported for compensation four people from Miami to Hemp, North Carolina.

HELD: Whether defendant violated law depends on facts:

1. If auto trip was joint adventure between auto owner and passengers to which it was agreed that payments by passengers should be contribution to expense of trip, transaction would not come within purview of Chapter 14764. (Sec. 1, Ch. 14,764, Acts of 1931.)

2. If auto owner holds himself and his auto out to individuals or to public from which these individuals were gathered as being ready, willing and able to transport the persons for a fixed fee as his compensation, he would be a private contract carrier within the statute requiring a certificate of public convenience and necessity. (Id. Secs. 1 and 4.)

In re Grubb, 116 Fla. 387, 156 So. 482. Decided September 7, 1934.

Original mandamus proceeding to compel the Railroad Commission to issue "for hire" permit, under the terms of Chapter 14764, Laws of 1931, bringing for review before the Court only the Commission's order of denial.

HELD: Writ denied:

1. The Railroad Commission must hold a hearing and investigate and make findings to determine the nature and scope of a proposed "For Hire" operation before issuing a permit where the application suggests some special inquiry. (Sec. 4, Ch. 14,764, Acts of 1931.)

2. Petition for alternative writ of mandamus to require the Railroad Commission to issue a "for hire" permit to a carrier denied such a permit should disclose the entire record of proceedings, unless the order denying the permit is shown to be illegal or unauthorized on its face. (Id.)

3. Certiorari, not mandamus, is the proper remedy for a carrier denied a "for hire" permit by the Railroad Commission after an adversary hearing at which third parties appeared and protested. (The Court does not say that mandamus may not be used in any case of this nature). (Id.)

Rogers vs. Cunningham, 117 Fla. 760; 158 So. 430. Decided December 28, 1934.

Rogers was charged with operating on the public highways of Pinellas County "one truck and trailer combined (semi-trailer) which weight did exceed the state law." The evidence taken before the committing magistrate showed that the vehicle driven by Rogers was a four-wheel truck which had no provision for carrying a load independently, and to which was coupled in the manner of a semi-trailer, a four-wheel trailer whose wheels were placed so that the front end of the unit would drop to the surface of the road if the unit were detached from the truck.

This is an original proceeding in habeas corpus and the Supreme Court stated: "All parties seem to desire an opinion from this Court as to whether a truck and trailer such as Rogers drove is within the provisions of the law limiting the weight to be carried by a semi-trailer."

HELD: Petitioner discharged from custody:

1. The combination vehicle is not a truck and semi-trailer as contended by the state, but is a "four-wheel vehicle attached to or to be drawn by a truck" which "counsel for state in the brief seemingly admit _____ if _____ properly equipped _____ is entitled to a gross load of 34,000 pounds." (Sec. 3, Ch. Acts of 1933.)

2. Statute regulating weight of load of trucks and trailers being criminal statute should be strictly construed and for accused to be held for trial the charge must plainly and unmistakeable show him to come within its prohibitions. (Id.)

NOTE: No where in this opinion did the Supreme Court hold that a private carrier was entitled to transport upon a vehicle of the character described in the opinion, a gross load of 34,000 pounds.

**Central Truck Lines vs. Railroad Commission, 118 Fla. 526; 160 So. 22.
Decided February 28, 1935.**

The Railroad Commission granted the Seaboard Air Line Railway Company a certificate of public convenience and necessity to operate a common carrier truck service between Tampa and Brooksville and between Waldo and Morriston, but only as a purely substituted service in order to affect a saving in transportation costs, and conditioned upon the resumption of rail service as soon as business warrants it. Central Truck Lines, who also serve this territory bring certiorari contenting the Commission could not grant such authority without such proof of public convenience and necessity as would be required of an independent motor carrier.

HELD: Certiorari denied:

1. Section 27 of Chapter 14764, and Section 6703 C. G. L. contain authority for Railroad Commission in its co-ordinated supervision and regulation of both rail and motor carrier to grant a limited certificate of public convenience and necessity confined to a mere commutation of rail into motor carrier service where there is no grant of general or permanent authority to perform motor vehicle service on the highways, and without such showing of public convenience and necessity as would be necessary for a new service. (Sec. 27, Ch. 14,764, Acts of 1931, and Sec. 6703, C. G. L. 1927.)

2. Statutes regulating rail and motor carriers are in contemplation of law *pari materia*, and have for their object appropriate regulation of both in their relation to each other and to the transportation needs of commerce in the state. (Id.)

3. "Public convenience and necessity" has not been defined by the lawmakers, and each case must be decided on its own facts weighed in the light of the declared legislative purpose. (Sec. 3, Ch. 14,764, Acts of 1931.)

4. Railroad Commission orders granting or refusing permits of public convenience and necessity, although arrived at in a quasi-judicial form of procedure, are legislative in character and must be sustained, unless clearly invalid because of: (a) misapprehension of law or facts, (b) *ultra vires*, (c) infringement of complaining party's legal rights, (d) contrary to some essential requirement of the law. (Id. Secs. 3 and 4.)

**Central Truck Lines vs. Railroad Commission, 118 Fla. 555; 160 So. 26.
Decided March 1, 1935.**

The St. Johns River Line Company, operating both river boat and truck service, purchased the McLeod Lines which operated trucks between Orlando and Tampa. The Commission in approving the transfer of the certificate rights of McLeod Lines authorized an additional through schedule for St. Johns River Line between Tampa and Sanford. All other carriers objected on the ground that this created an entirely new operation and permitted depressed water-truck freight rates into the Tampa trade territory, all without the required showing of public convenience and necessity and the consideration of existing facilities.

HELD: Order of Commission quashed on Certiorari:

1. Railroad Commission orders regulating the use of the highways by motor transportation companies must, like a statute, be tested by their practical operation and effect rather than by their form. (Ch. 14,764, Acts of 1931.)

2. Motor vehicle rights under certificates separately granted cannot be lawfully combined for the establishment of a through service without first obtaining from the Railroad Commission a certificate of convenience and necessity. Chapter 14764, Acts of 1931, contemplates no prejudicial alteration in established relationships unless justified by public convenience and necessity. (Id. Sec. 3.)

3. The purpose of a certificate of public convenience and necessity is primarily for public convenience and welfare and not for the advantage and benefit of carriers. (Id. Sec. 3.)

4. Inadequacy of existing service is not necessarily essential to a finding that public convenience and necessity will be served by the linking of existing local services to create a through service. Here the fault was the inclusion in the certificate of a special provision permitting the enjoyment by the St. Johns River Line of rate advantages at the expense of other carriers serving the same territory. (Id. Sec. 3.)

5. The Railroad Commission under the authority given in the Act to include such terms, conditions, and provisions in certificates as it may deem proper in the public interest may not grant special rates, prejudicial to other carriers. (Id. Sec. 3.)

6. Under the terms of the Act auto transportation company includes a carrier operating partly by water and partly by motor vehicles. (Id. Sec. 1.)

Tamiami Trail Tours vs. Railroad Commission of Florida, 120 Fla. 371; 163 So. 1. Decided July 5, 1935.

Coast to Coast System, Inc., the holder of a certificate to transport freight by motor vehicle from Jacksonville to Tampa via Daytona Beach and Kissimmee and from Jacksonville to Miami via Daytona Beach and Melbourne, was granted by the Railroad Commission the right to operate between Kissimmee and Melbourne on a schedule that would expedite by one day its service from Tampa to Miami. No showing of public convenience and necessity was attempted and Tamiami Trail Tours, Inc., who holds the certificate rights between Tampa and Miami via Fort Myers and the Tamiami Trail seek to set aside the order of the Commission on certiorari.

HELD: Order of Commission quashed:

1. Railroad Commission orders must be tested by their practical operation and affect rather than by their form. (Ch. 14,764, Acts of 1931.)

2. The order granted is not an administrative schedule change which would be authorized under Section 8 of Chapter 14764, but in effect created a new and different common carrier service between Tampa and Miami for which no showing of public convenience and necessity was made, and none of the essential requirements of the law were followed relative to the granting of a new certificate as set forth in Section 3 of Chapter 14764. (Id. Secs. 3 and 8.)

3. "Every Certificate of Public Convenience and Necessity that the Railroad Commission is authorized to grant under the law is, in most cases in its last analysis, a statutory license to enjoy a protected public monopoly out of whatever motor transportation business is to be derived

by the certificate holder out of its servicing the authorized route and terminal points designated in such a certificate when issued." (Id. Sec. 3.)

4. Convenience and necessity in Chapter 14764 refers to that of the public as distinguished from that of the private convenience of a carrier. (Id. Sec. 3.)

L. & L. Freight Lines, Inc., vs. Douglass, 14 F. Supp. 399. Decided Nov. 7, 1935.

Suit to enjoin the Florida Railroad Commission from interfering with the common carrier interstate motor truck operations begun by L. & L. Freight Lines on October 13, 1935, over U. S. Highway No. 19 from the Georgia-Florida state line through Tallahassee to Ocala, Dunnellon and Tampa, and over U. S. Highway No. 90 between Tallahassee and Live Oak. Plaintiff contends that under Subsection (b) of Section 206 of the Federal Motor Carrier Act, 1935, it may inaugurate such purely interstate operation up to the effective date of the Motor Carrier Act and continue such operation for one hundred twenty days without authority from the Interstate Commerce Commission, the I. C. C. by proper order having postponed the effective date of Section 206 until October 15, 1935.

HELD: Prayer for temporary restraining order denied:

1. A careful inspection of the postponement order of the I. C. C. makes it clear that the taking effect of the provisions of Section 206 was postponed solely for administrative reasons, was for the benefit only of those who could not qualify under the "grandfather" clause as of June 1, 1935, but were in operation on October 1, 1935, and was not intended to enlarge any rights to engage in interstate commerce. (Motor Carrier Act, 193, Sec. 206; 49 U.S.C.A. Sec. 306.)

Douglass vs. Pan American Bus Lines, 81 F. (2d) 222. Decided December 27, 1935.

The appellee, a bus company desiring to institute a new type of passenger service between New York and Miami and having secured authority from all other states, applied to Florida Railroad Commission for the proper permit and was refused on the ground that, it being an exclusive interstate operation, the passage by Congress of the Motor Carrier Act had deprived the Commission of all jurisdiction over the granting of a certificate to an interstate carrier. The bus company secured an interlocutory injunction from the District judge for Northern District of Florida restraining the Commission from interfering with plaintiff's operation. From this order the defendants appeal.

HELD: Injunction sustained:

1. From such order court reviews only whether there has been abuse of discretion. Under these circumstances this order was an "exercise of discretion" to protect apparent rights of plaintiff. (Motor Carrier Act, 1935, 49 U.S.C.A. Sec. 301-327.)

2. The bill does not attack either a law of Florida or an order of the Commission, so this is no case for a three-judge court.

3. On the showing made before the Commission, the appellee was entitled to a certificate as a matter of right, it being an exclusive interstate carrier. (Secs. 3 and 28, Ch. 14,764, Acts of 1931.)

McJunkin vs. Railroad Commission, 122 Fla. 402; 165 So. 368. Decided January 20, 1936.

The Commission authorized the Seaboard Air Line Railway to operate common carrier bus service between Fernandina and Yulee in lieu of its previous rail service, a purely substitute service from depot to depot until such time as business would permit the resumption of the rail service. McJunkin, who had previously performed this service under contract with the railroad, brings certiorari to quash the order of the Commission on the ground that this is a new service granted without considering public convenience and necessity or the effect on his existing public.

HELD: Certiorari denied:

1. The judgment of the Railroad Commission is proper on authority of Central Truck Lines vs. Railroad Commission, 160 So. 22. (Sec. 27, Ch. 14,764, Acts of 1931.)

Lowe vs. Stoutamire, 123 Fla. 135; 166 So. 310. Decided February 29, 1936.

Driver for L. & L. Freight Lines, Inc., was arrested for operating a motor vehicle for hire without authority from Railroad Commission in exclusive interstate commerce and he brings habeas corpus.

HELD: Petitioner lawfully held:

1. Enactment of Motor Carrier Act, 1935, did not suspend or supersede state laws applicable to interests motor carriers but left same to be applied without hindering or burdening regulations of Congress applicable to same subject matter. (Motor Carrier Act, 1935; 49 U.S.C.A. Secs. 301-327.)

2. Motor Carrier Act did not impair Chapter 14764 in so far as it required interstate carriers to register their operation and observe the

provisions of the Act capable of being enforced against interstate carriers. (Id.)

3. *Alcazin vs. Wells*, 47 F. (2d) 904, principles still in effect in so far as state regulations do not now conflict with Motor Carrier Act. (Id.)

4. State's proprietary interest in its roads and right to condition their use for their preservation and for public safety and convenience is to be distinguished from right to prescribe equipment for interstate railroads.

Union Bus Company vs. Douglass, 123 Fla. 292; 166 So. 582. Decided March 19, 1936. Rehearing denied March 23, 1936.

Railroad Commission granted A. J. Redd a certificate of public convenience and necessity to carry passengers between Perry, Branford, Raiford, Macclenny and Jacksonville, but with closed doors between Macclenny and Jacksonville. Union Bus Company brings certiorari to quash the order of the Commission on ground that it was already adequately serving the needs of the public between Macclenny and Jacksonville and is willing and ready to provide any additional service necessary.

HELD: Certiorari denied:

1. Commission may grant new certificate in which a portion of the route is covered by an existing certificate, where the new service is so restricted as to preclude the rendering of competitive service, and where the public convenience and necessity require the duplication of routes to meet the needs of those accommodated by the new service. (Sec. 3, Ch. 14,764, Acts of 1931.)

2. Commission may issue certificates with modifications, and upon such terms and conditions as in its judgment public convenience and necessity may require. (Id.)

State ex rel. R. C. Motor Lines vs. Florida Railroad Commission, 123 Fla. 345; 166 So. 840. Decided March 28, 1936.

Original mandamus proceedings to require the Railroad Commission to grant a certificate of registration to an exclusive interstate private contract carrier by motor vehicle over a certain state highway.

HELD: Peremptory writ granted:

1. The commerce clause of the U. S. constitution ex proprio vigore amounts to a national certificate of public convenience and necessity to

carry on interstate commerce and only Congress can limit this right. (Sec. 8, Art. 1, U. S. Constitution.)

2. The certificate of public convenience and necessity as required by the Florida Motor Transportation Act and applied to an exclusive interstate carrier is in effect only a registration of such a carrier's operation, is grantable as a matter of course after opportunity to determine its bona fides, and is only to enable the state to:

- (a) Identify the operation.
- (b) Collect the mileage taxes due for the use of the highways.
- (c) Enforce police regulations which promote public safety and conservation of the highways. (Secs. 1, 2, 3, 4, 11, 12, 13, 16, Ch. 14,764, Acts of 1931.)

3. The enactment of the Motor Carrier Act, 1935, by Congress did not suspend or supersede the rights of the state as set forth in paragraph 2 above. (49 U.S.C.A. Secs. 301-327.)

4. The power of the Railroad Commission to determine the route to be used by interstate motor carrier is an exercise of the police power to be exerted after authority is granted as a matter of course to use the state highways in commerce, and cannot be exercised so as to unduly burden or control the right to operate. (Secs. 3 and 14, Ch. 14,764, Acts of 1931.)

Lawrence vs. Goddard, 124 Fla. 250; 168 So. 13. Decided May 5, 1936.

Goddard, manager of a U-Drive-It Company, was arrested for renting an automobile to a party who operated it over a public highway of the state, Goddard not having first obtained a permit from the Railroad Commission and complying with Chapter 14764, Acts of 1931.

HELD: Accused discharged on habeas corpus:

1. U-Drive-It concerns neither **operate** their own automobiles nor undertake to transport persons or property as part of their business, hence are not "**carriers**" who "**operate**" motor vehicles within the terms of Section 1 (e) of Chapter 15764. (Sec. 1, Ch. 14764, Acts of 1931.)

2. The provisions of Chapter 14764 are unadapted for application to a U-Drive-It operation:

- a. Form of bond prescribed by Section 6 is inapplicable. (Id. Sec. 6.)
- b. The speed rule in Section 12 cannot be enforced against one who relinquishes control of his vehicle. (Id. Sec. 12.)
- c. The driver regulations of Section 19 similarly could not be enforced. (Id. Sec. 19.)

University City Transfer Company vs. Florida Railroad Commission, 124 Fla. 308; 168 So. 413. Decided May 18, 1936.

The Commission after notice and hearing, authorized the transfer of a certificate of public convenience and necessity from Brown's Motor Freight Lines, Inc., to Hi-Way Transports, Inc. This is certiorari to review this order brought by two carriers also serving the same territory. The contentions were that the evidence showed it to be the duty of the Commission to revoke the certificate for failure to operate, that therefore there was nothing to transfer, that Hi-Way Transports, Inc., had not shown public convenience and necessity; that the Commission failed to consider: (a) rights and privileges of existing carriers serving the territory; (b) effect on existing facilities in the territory; (c) the interest of the shipping and consignee public.

HELD: Certiorari denied:

1. Where Commission's conclusions are sustained by substantial evidence, they are not reviewable by certiorari.

2. Before certificate can be considered as revoked, there must be formal charge, citation, hearing, and "weighing the probative force of evidence on the merits of the question." (Sec. 10, Ch. 14,764, Acts of 1931.)

3. The certificate not having been revoked, the transferee was under no duty to show existence of public convenience and necessity. (Id. Sec. 3.)

State ex rel. L. & L. Freight Lines, Inc., vs. Douglass, 124 Fla. 579; 169 So. 389. Decided May 13, 1936. Rehearing denied July 19, 1936.

The relator, on October 8, 1935, applied to the Railroad Commission for a certificate of public convenience and necessity to operate a common carrier truck service from Atlanta, Georgia to Tampa, Florida, through Tallahassee, Perry, Ocala and Dunellon, and also over state highway No. 1, between Marianna and Live Oak through Tallahassee. The Commission declined to take jurisdiction of the application on the ground that its jurisdiction had been superseded by the passage of the Federal Motor Carrier Act, 1935. This was an original mandamus proceeding to require the Commission to grant the certificate.

HELD: Alternative writ of mandamus quashed and proceeding dismissed:

1. Control by Interstate Commerce Commission over issuance or denial of certificates of public convenience and necessity for operation of motor vehicles in interstate commerce began with date of President's

approval of Federal Motor Carrier Act on August 9, 1935, and not from date such Act might become operative. (49 U.S.C.A. Secs. 301-327.)

2. Florida Railroad Commission held without authority to entertain application for issuance of certificate of public convenience and necessity for exclusively interstate motor carrier operation after approval of federal act governing such certificates, until propriety of issuance had first been submitted to and passed upon by Interstate Commerce Commission. (Secs. 3 and 28, Ch. 14,764, Acts of 1931.)

3. Where Interstate Commerce Commission awards certificate of public convenience and necessity for exclusively interstate motor carrier operation, Florida Railroad Commission is required to grant carrier state certificate upon proper application to enable commission to enforce state police regulations. (Id. Secs. 3 and 28.)

L. & L. Freight Lines, Inc., vs. Douglass, 124 Fla. 696; 169 So. 370. Decided June 26, 1936.

Appeal from an interlocutory order of the Circuit Court of Leon County denying an application for a restraining order against the Florida Railroad Commission to prevent the enforcement of the Florida Motor Transportation Act against the L. & L. Freight lines who were engaged in exclusive interstate commerce over certain state highways but who had not secured any authority from the Interstate Commerce Commission under the Federal Motor Carrier Act of 1935 to conduct such business.

HELD: Constitutional writ of injunction dissolved:

1. The federal right claimed by appellant, while appropriately alleged has not been made clearly to appear by proof submitted to overcome the allegations of the answer denying the lawful inauguration of the operation, and must be established by competent proof before being entitled to injunctive relief in the state courts as against the asserted rights of state officers to continue their enforcement of a state statute otherwise applicable.

2. Since the passage of the Federal Motor Carrier Act, 1935, Interstate motor carriers are entitled to injunctive protection of their operations upon it being shown by appropriate allegations and proof that they are entitled to enjoy the temporary privileges and benefits conferred *ex proprio vigore* by that Act, pending a factual decision by the I. C. C. on their interstate right. (Secs. 206, Motor Carrier Act 1935; 49 U.S.C.A. Sec. 306.)

3. The purpose of Congress by the Federal Motor Carrier Act was to vest in the I. C. C. the ultimate authority to determine which motor

carriers are entitled to operate under the terms of that Act, no such authority remaining in the state regulatory bodies.

L. & L. Freight Lines, Inc., vs. Douglass, 124 Fla. 819; 169 So. 501. Decided July 16, 1936.

Original mandamus proceeding to require the Florida Railroad Commission to grant a certificate of public convenience and necessity for an exclusive interstate motor vehicle operation to a carrier who had not received any authority from the Interstate Commerce Commission under the Federal Motor Carrier Act, 1935.

HELD: Alternative writ of mandamus denied:

1. State Railroad Commission need not grant certificate of public convenience and necessity to motor carrier for interstate operation, until Interstate Commerce Commission finally decides carrier's permanent status, notwithstanding carrier may continue already begun interstate operation until pending application to Interstate Commerce Commission for permanent certificate has been decided since such federal right is only temporary. (Sec. 3, Ch. 14,764, Acts of 1931.)

L. & L. Freight Lines, Inc., vs. Railroad Commission of Florida, 17 F. Supp. 13. Decided Dec. 4, 1936.

Suit by an interstate common carrier truck line to enjoin Florida Railroad Commission and the Florida State Road Department from enforcing against plaintiff the weight regulations of motor trucks and trailers prescribed by the Railroad Commission under the terms of Chapter 14764, Laws of Florida, 1931. Plaintiff contends that by the Motor Carrier Act, 1935, Congress assumed the regulation of interstate motor carriers for hire, preempting the field to the exclusion of state regulation.

HELD: Injunction denied:

1. Federal Motor Carrier Act does not regulate interstate motor vehicle carriers as to weight so as to displace Florida state regulations, this being plainly shown by the failure to enumerate weights in Section 204 of the Act which states the extent of the authority given the Interstate Commerce Commission over motor vehicle carriers, and by Section 225 of the Act which authorizes the I. C. C. to investigate and report on the need for federal regulation of the weight of motor vehicles. (Secs. 204 and 225, Motor Carrier Act 1935; 49 U.S.C.A. Secs. 304 and 325.)

2. Courts will not hold that regulatory police powers of the states to prescribe size and weights of vehicles using state highways in interstate commerce are superseded except on clear evidence of intent of Congress to occupy and pre-empt that field of regulation.

State of Florida ex rel. Morris Coats vs. Whitaker, 126 Fla. 543. 171 So. 521. Decided December 18, 1936.

Original habeas corpus proceeding by operator of a motor vehicle to secure release from arrest for transporting commercial fertilizer from factory to farmer-consumer without authority from Railroad Commission. It was agreed that this was a "casual and irregular" trip by one regularly engaged in hauling exempted products (agricultural products) and that trucks were operating under private license from the Motor Vehicle Department.

HELD: Petitioner remanded to custody:

1. Transporting of commercial fertilizer to the farmer is not exempt from provisions of Motor Transportation Act. (Sec. 30, Ch. 14,764, Acts of 1931.)

2. Vehicle used in hauling for compensation in order to be exempt under Section 30 of Chapter 14764 must be devoted "exclusively" to such operation. (Id.)

3. "Casual and irregular" trips, under Section 30, are not exempt unless the person making them is not engaged in the **business** of for hire carriage as the petitioner was here, even tho he is permitted to operate under private license by the motor vehicle license law. (Id.)

Leonard Bros. Transfer & Storage Company, et al. vs. Carter, 127 Fla. 198; 172 So. 924. Decided February 26, 1937.

Original mandamus proceeding to require the Railroad Commission to deny and dismiss an application filed by the Railway Express Agency for a "For Hire" carrier's permit. A temporary permit had been granted and the Commission had thereafter held a hearing, upon the protests of the relators, to determine the exact nature of the operation and whether or not the permit was the proper authority to grant. The mandamus proceedings were brought eighteen days after the hearing and before the Commission had announced its decision.

HELD:

1. The Railroad Commission has power to tentatively grant an application for a "for hire" permit, and thereafter conduct an inquiry to

determine whether the same is proper and should be allowed to remain in force. (Sec. 5, Ch. 14,764, Acts of 1931.)

2. Mandamus cannot be used to coerce a particular decision by the Railroad Commission on a matter within its jurisdiction where Commission has the matter under advisement.

Central Truck Lines, Inc., vs. Douglass, 127 Fla. 392; 173 So. 162. Decided February 16, 1937.

Petition for Writ of Certiorari to review four orders of the Railroad Commission, the first of which granted and the balance extended the authority of the Seaboard Air Line Railway to operate a common carrier truck service between certain towns served by its rail lines. (See Central Truck Lines vs. Railroad Commission, 118 Fla. 526; 160 So. 22, upholding the first of these orders.) The petitioned in this case contends that all of the orders taken together, and in connection with an administrative interpretation thereof, (Traffic Circular No. 30) constitute the granting of a Certificate of Public Convenience and Necessity without requiring proof of the same as required by the Motor Transportation Act.

HELD: Certiorari denied:

1. The orders complained of are merely an extension of the same purely substituted rail service which was upheld in Central Truck Lines vs. Railroad Commission (cited above) (Sec. 27, Ch. 14,764, Acts of 1931.)

2. Traffic Circular permitting rail carriers to inaugurate pick-up and delivery service at stations, with alternative provision permitting carriers to make allowance when freight was taken from station platform by consignee or delivered at platform by consignor, **HELD** not unlawful authorization to railroad companies to conduct pick-up and delivery service, where same alternative was declared to be allowable to public highway carriers. (Acts 1931, Ch. 14,764, Sec. 30). (Id. Secs. 3 and 27.)

Tamiami Trail Tours, Inc., vs. Railroad Commission, 128 Fla. 25; 174 So. 451. Decided March 11, 1937.

Tamiami Trail Tours, seeks to review by certiorari an order of the Railroad Commission denying an application to operate a common carrier bus service between Tampa and Tallahassee, Florida.

HELD: Writ of Certiorari granted and order of Railroad Commission quashed:

1. Petitioner held to have met the burden resting upon it as a basis for having issued a certificate where Commission found that part

of territory was suffering to some extent from lack of through transportation facilities and such service would be of great convenience to that part of public. (Sec. 3, Ch. 14,764, Acts of 1931.)

2. Certiorari will lie to review an order of the Railroad Commission denying an application for Certificate of Public Convenience and Necessity. (Id. Sec. 3.)

3. (On rehearing) In Certiorari Supreme Court cannot direct respondent to enter any particular order or judgment but can only deny the writ or quash the order reviewed, and, where order is quashed, leaving the proceedings as they were before such order was entered. (Davis concurring: Decision of reviewing Court in certiorari becomes the "law of the case" which must be followed in any further proceedings before inferior tribunal, mandamus being the remedy to coerce such action.)

State ex rel Fohl vs. Karel, Sheriff, 180 Sou. 3. Decided Mar. 30, 1938.
Original Proceeding in Habeas Corpus.

The petitioner was arrested and charged with operating a motor vehicle in transporting goods for compensation without any authority from the Railroad Commission. On original habeas corpus proceedings in the Supreme Court, the facts were stipulated and it was agreed that at the time of his arrest Fohl was driving a truck which was **jointly owned and operated** by two merchants, neither of which had anything in common except their need for transporting their products and this arrangement whereby each contributed to the cost of operating the truck in proportion to his use of the truck. It was agreed that this was a bona fide joint ownership of the truck.

HELD: Prisoner discharged.

1. The operation does not come within the Motor Transportation Act because the two merchants are merely transporting their own goods in their own vehicle as an incident to their private business. (Sections 1 and 30 of Chapter 14764, Acts of 1931).

2. Joint owners and operators of a truck are tenants in common and as such each is entitled to possession and use so long as not to interfere with rights of co-owner, and therefore such operators do not come within the scope of the Act which is intended to regulate only those who haul for others. (Id. Secs. 1 and 30.)

State ex rel George Kelley vs. Ramsey, Sheriff. Fla.
181 So. 885. Decided June 6, 1938.

This was an original proceeding in habeas corpus to test the jurisdiction of the Railroad Commission over the operation of taxi-cabs outside of cities and towns. The petitioner who was engaged in the gen-

eral taxi business in Tallahassee had transported several persons from Tallahassee to Gainesville, and had no authority from the Commission.

HELD: Petitioner remanded to custody.

1. Taxi-cabs hauling persons for compensation outside of municipalities are within the purview of the Motor Transportation Act and are not within any of the exempting provisions in Section 30 of the Act, it being immaterial that taxi company is licensed to operate a taxi business in a particular city. (Secs. 1 and 30, Chapter 14764, Acts of 1931.)

Malone vs. Carter. Fla.; 182 So. 214. Decided June 15, 1938.

Injunction suit instituted in the Circuit Court for Dade County, Florida, by P. T. Malone doing business as P. T. Malone Horse Pullman Service, to enjoin the Florida Railroad Commission from regulating the business of transporting race-horses by truck for hire between the Tropical Park and Hialeah Race Tracks in Dade County, Florida.

HELD: Decree of Lower Court dismissing bill of complaint affirmed:

1. The transportation of race-horses between race tracks in Dade County, Florida, is subject to the jurisdiction of the Florida Railroad Commission, since the law specifically provides that such transportation shall not be exempt from the jurisdiction and control of the Railroad Commission. (Sec. 30 of Chap. 14764, Acts of 1931, as amended by Chapters 18028 and 18029, Acts of 1937.)

Central Truck Lines, Inc., vs. Railroad Commission, Fla.; 182 So. 783. Decided June 10, 1938.

Original proceeding in certiorari to review an order of the Railroad Commission granting the Seaboard Air Line Railway Company the right to operate motor trucks between Jacksonville and Live Oak, Florida, which authority was granted by the Railroad Commission as provided in Section 27, Chapter 14764, Acts of 1931, as amended by Chapter 18027, Acts of 1937. It was contended by the petitioner that Chapter 18027 was unconstitutional.

HELD: Writ of Certiorari denied and petition dismissed.

1. The statute permitting railroads to conduct motor transportation over highways paralleling their rail lines as a matter of right, where ordinary truck lines are required to make a showing of public convenience and necessity before the Railroad Commission, is not discriminatory and does not deny equal protection of the law, the legislature having a wide discretion to limit, regulate or prohibit as it sees fit motor transportation over public highways. (Sec. 27 of Chapter 14764, Acts of 1931, as amended by Chapter 18027, Acts of 1937.)

**Report of the
Telephone Engineer**

REPORT OF THE TELEPHONE ENGINEER

During the past year the testing of the transmission qualities of subscribers' lines and toll lines was continued. This work has resulted in considerable improvement of the service.

In addition to these tests the Engineers conducted a series of tests of inductive interference from power lines which resulted in improvement of the telephone service in many cases by revealing the defects responsible for the interference. The following is a statement of the number of tests made:

693 transmission measurements on lines from subscribers' telephones and on switchboard apparatus.

1,531 noise measurements on toll and local subscribers' lines.

55 noise level tests in eleven control office operating rooms and commercial offices.

In addition to the above inspections of thirty-one telephone properties were made as follows:

Florida Telephone Corporation	4 exchanges
Quincy Telephone Company	1 exchange
Southern Bell Telephone and Telegraph Company.....	20 exchanges
St. Joseph Telephone and Telegraph Company.....	1 exchange
Southeastern Telephone Company	4 exchanges
West Florida Telephone Company	1 exchange

31

The number of informal complaints were handled as follows:

Telephone service	25
Charges for service	10
Telegraph service	3

38

**FINANCIAL AND OPERATING
STATISTICS OF
PUBLIC UTILITIES**

**Steam Operated
Railroads**

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1937
GENERAL BALANCE SHEET—ENTIRE LINE

NAME OF ROAD	ASSETS									LIABILITIES									
	Investments in Road and Equipment	Improvements on Leased Property	Sinking Funds	Deposits in Lieu of Mort- gaged Property	Miscellaneous Physical Property	Investments in Affiliated Companies	Other Investments	Current Assets	Deferred Assets	Unadjusted Debits	Grand Total	Total Stock	Long-Term Debt	Current Liabilities	Deferred Liabilities	Unadjusted Credits	Appropriated Surplus	Profit and Loss	Grand Total
Alabama, Florida & Gulf Railroad(1)(A).....	\$ 150,323	\$-----	\$-----	\$-----	\$-----	\$-----	\$-----	\$ 2,037	\$ 294	\$-----	\$ 152,654	\$ 142,293	\$-----	\$ 8,052	\$-----	\$ 6,520	\$-----	\$ *4,211	\$ 152,654
Alabama & Florida Railroad Company(B).....	9,039	-----	-----	-----	-----	-----	-----	2,607	434	-----	12,080	10,000	-----	1,608	-----	-----	-----	472	12,080
Alabama & Western Florida Railroad Company.....	141,744	-----	-----	-----	-----	-----	-----	14,407	-----	-----	156,184	153,200	5,500	22,109	-----	14,713	-----	*39,338	156,184
Apalachicola Northern Railroad Company.....	2,925,197	-----	-----	-----	12	-----	65,000	60,528	-----	26,369	3,077,106	1,000,000	4,271,600	250,909	133	62,151	2,388	*2,510,075	3,077,106
Atlanta & St. Andrews Bay Railway Company.....	2,108,127	-----	-----	-----	-----	78,355	10,500	150,756	5,910	95,705	2,449,353	600,000	1,251,987	111,440	5,223	90,413	9,302	380,988	2,449,353
Atlantic Coast Line Railroad Company.....	262,634,759	501,372	-----	-----	1,916,989	78,151,613	3,657,486	20,346,190	1,314,174	4,072,282	372,594,865	87,376,389	153,149,930	7,246,197	(a) 2,122,626	36,464,718	5,761,064	80,473,941	372,594,865
Florida East Coast Railway Company.....	80,629,364	19,985	-----	408,535	330,881	1,763,544	32,036	4,346,204	44,272,855	3,356,436	135,159,840	37,500,000	59,307,075	18,409,607	(b) 44,282,340	9,000,698	902,863	*34,242,743	135,159,840
Georgia & Florida Railroad.....	20,525,389	4,362	-----	500	146,402	77,489	4,955	206,235	1,793	914,316	21,881,441	13,382,441	6,841,000	7,487,731	(c) 3,779	755,303	13,046	*6,601,859	21,881,441
Georgia Southern & Florida Railway Company.....	15,135,793	3,729	-----	500	15,872	91,484	-----	615,497	7,138	916,776	16,786,789	3,768,000	7,741,684	1,458,597	(d) 821,856	1,165,518	58,526	1,772,608	16,786,789
Jacksonville, Gainesville & Gulf Railway.....	403,901	-----	-----	-----	1	-----	-----	46,528	855	3,965	455,250	5,000	569,010	199,479	-----	13,670	32	*331,941	455,250
Jacksonville Terminal Company.....	4,718,489	-----	-----	-----	99,351	-----	-----	467,247	75	5,496	5,290,658	375,200	4,075,610	506,042	574	81,234	30,080	*907,779	5,290,658
Live Oak, Perry & Gulf Railroad Company.....	1,300,154	-----	-----	-----	163,136	1,078	-----	51,329	-----	3,638	1,520,835	600,000	245,000	38,102	(e) 53	1,083,607	461,852	77,825,253	531,744,078
Louisville & Nashville Railroad Company.....	442,594,650	2,428,357	1,722,538	76,259	2,533,008	26,059,105	15,217,654	32,315,522	6,781,729	2,015,256	531,744,078	117,012,117	227,654,655	9,860,631	(f) 4,545,447	91,265,844	3,580,131	45,278	531,744,078
St. Johns River Terminal Company.....	2,144,545	-----	-----	-----	2,566	1,482	-----	127,294	3,995	4,474	2,284,356	100,000	1,878,642	107,916	(g) 2,454	45,278	55,602	94,464	2,284,356
St. Louis-San Francisco Railway Company.....	409,432,876	-----	-----	828,168	183,442	23,815,321	11,530,001	14,770,379	983,164	1,172,821	462,716,172	114,701,526	234,699,493	125,262,114	(h) 722,722	48,594,776	1,293,526	*62,557,985	462,716,172
Seaboard Air Line Railway Company.....	249,107,478	1,335,045	-----	75,693	3,560,153	28,669,873	1,707,204	11,230,424	637,903	1,186,938	297,510,711	85,110,662	148,636,884	94,844,901	(i) 588,753	30,941,607	878,411	*63,490,507	297,510,711
Tampa Northern Railroad Company.....	2,475,227	-----	-----	-----	11,171	-----	-----	714,631	1,470	39,652	3,246,171	750,000	1,714,047	1,620,294	234,160	26,892	45,136	*1,144,358	3,246,171
Tampa Union Station Company.....	277,559	-----	-----	-----	-----	-----	-----	16,347	1	1,118	295,025	30,000	251,270	8,304	-----	2,583	-----	2,868	295,025
Tavares & Gulf Railroad Company.....	759,278	-----	-----	-----	5,183	425	-----	105,499	1,383	123	871,891	250,000	70,800	524,235	-----	33,062	3,770	*9,976	871,891
The Marianna & Blountstown Railroad Company.....	234,386	-----	-----	-----	-----	1,500	-----	11,979	-----	18,317	266,182	120,000	175,000	9,373	-----	23,982	1,127	*63,300	266,182
The South Georgia Railway Company.....	658,119	-----	-----	-----	14,355	774	25,631	33,804	-----	621	733,304	641,900	-----	2,761	-----	104,446	-----	*15,803	733,304
Trans Florida Central Railroad Company.....	97,761	-----	-----	-----	-----	-----	-----	500	-----	-----	98,261	120,163	-----	1,620	-----	4,163	-----	*27,685	98,261
Total.....	\$1,498,464,158	\$ 4,292,850	\$ 1,722,538	\$ 1,389,655	\$ 8,971,351	\$158,723,214	\$ 32,255,987	\$ 85,635,944	\$ 54,013,173	\$ 13,834,336	\$1,859,303,206	\$463,748,891	\$852,539,187	\$267,982,022	\$ 53,330,120	\$219,781,178	\$ 13,096,856	\$*11,175,048	\$1,859,303,206

Asterisk indicates debit item or deficit.
(1) Investment in Road by The Dothan National Bank, owner, operated under receivership.
(A) Ceased operations June 30, 1937.
(B) Commenced operations July 1, 1937.
(a) Includes \$300,997 Grants in aid of construction.
(b) Includes 38,518 Grants in aid of construction.
(c) Includes 2,934 Grants in aid of construction.
(d) Includes 100 Grants in aid of construction.
(e) Includes 53 Grants in aid of construction.
(f) Includes 253,819 Grants in aid of construction.
(g) Includes 464 Grants in aid of construction.
(h) Includes 523,274 Grants in aid of construction.
(i) Includes 13,889 Grants in aid of construction.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1937
PROFIT AND LOSS ACCOUNT—ENTIRE LINE

NAME OF ROAD	Balance at Beginning of Year	Balance Transferred from Income	Miscellaneous and Other Credits	Appropriations of Surplus	Miscellaneous and Other Debits	Balance at Close of Year
Alabama, Florida & Gulf Railroad.....	\$ *3,105	\$ *967	\$-----	\$-----	\$ 139	\$ *4,211
Alabama & Florida Railroad Company.....	472	472	-----	-----	-----	472
Alabama & Western Florida Railroad Company.....	*30,540	*8,798	-----	-----	-----	*39,338
Apalachicola Northern Railroad Company.....	*2,451,868	*51,377	-----	-----	6,830	*2,510,075
Atlanta & St. Andrews Bay Railroad Company.....	13,879	77,002	306,871	714	16,050	380,988
Atlantic Coast Line Railroad Company.....	78,554,030	2,424,272	1,420,454	1,890,160	34,655	80,473,941
Florida East Coast Railway Company.....	*5,993,896	*2,181,952	146,645	*2,434	26,215,974	*34,242,743
Georgia & Florida Railroad.....	*5,964,670	*628,079	844	591	9,363	*6,601,859
Georgia Southern & Florida Railway Company.....	1,859,125	*53,581	2,070	-----	35,206	1,772,608
Jacksonville, Gainesville & Gulf Railway.....	*292,994	*38,956	10	-----	1	*331,941
Jacksonville Terminal Company.....	222,199	18	-----	-----	299	221,918
Live Oak, Perry & Gulf Railroad Company.....	*903,597	26,176	1,917	31,012	1,263	*907,779
Louisville & Nashville Railroad Company.....	77,729,143	7,100,346	1,045,999	7,044,111	1,006,124	77,825,253
St. Johns River Terminal Company.....	106,350	*10,851	-----	-----	1,035	94,464
St. Louis-San Francisco Railway Company.....	*41,318,237	*7,756,656	98,045	13,453	13,567,684	*62,557,985
Seaboard Air Line Railway Company.....	*57,913,461	*4,630,279	600,853	73,689	1,473,931	*63,490,507
Tampa Northern Railroad Company.....	*1,165,099	26,249	-----	-----	5,508	*1,144,358
Tampa Union Station Company.....	7,385	1,980	-----	1,200	5,297	2,868
Tavares & Gulf Railroad Company.....	*16,578	8,186	9	-----	1,593	9,976
The Marianna & Blountstown Railroad Company.....	*94,751	6,429	33,980	-----	8,958	*63,300
The South Georgia Railway Company.....	*28,153	6,404	13,524	-----	7,578	*15,803
Trans Florida Central Railroad Company.....	*27,075	*710	100	-----	-----	*27,685
Total.....	\$ 42,288,087	\$ *5,684,472	\$ 3,671,321	\$ 9,052,496	\$ 42,397,488	\$ *11,175,048

Asterisk indicates debit item or deficit.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1937
OPERATING REVENUES—ENTIRE LINE

NAME OF ROAD	Freight	Passenger	Excess Baggage	Mail	Express	Switching	All Other	Total Revenue
Alabama, Florida & Gulf Railroad.....	\$ 6,403	\$ 13	\$-----	\$ 1,631	\$ 112	\$-----	\$ 7	\$ 8,166
Alabama & Florida Railroad Company.....	8,799	27	-----	1,631	88	-----	136	10,681
Alabama & Western Florida Railroad Company.....	12,920	34	-----	4,275	-----	74	16	17,319
Apalachicola Northern Railroad Company.....	219,447	5,308	-----	18,046	3,687	396	8,821	255,705
Atlanta & St. Andrews Bay Railway Company.....	832,273	5,866	10	14,786	7,150	5,263	12,214	877,562
Atlantic Coast Line Railroad Company.....	34,890,819	7,789,061	40,576	1,672,585	1,478,977	312,282	1,787,880	47,972,180
Florida East Coast Railway Company.....	5,558,444	2,716,171	18,474	298,809	278,082	12,255	420,971	9,303,206
Georgia & Florida Railroad.....	1,210,954	31,922	17	26,481	10,217	3,905	7,705	1,291,201
Georgia Southern & Florida Railway Company.....	1,590,028	538,822	1,289	153,289	33,006	3,023	88,621	2,408,078
Jacksonville, Gainesville & Gulf Railway.....	20,256	1	-----	-----	108	12,674	518	33,557
Jacksonville Terminal Company.....	(a)	-----	-----	-----	-----	-----	-----	-----
Live Oak, Perry & Gulf Railroad Company.....	237,792	3,951	1	8,688	1,946	191	2,161	254,730
Louisville & Nashville Railroad Company.....	76,863,874	7,208,546	30,769	2,062,123	1,606,131	918,916	1,504,634	90,194,993
St. Johns River Terminal Company.....	-----	-----	-----	-----	-----	305,652	4,954	310,606
St. Louis-San Francisco Railway Company.....	40,967,464	3,775,072	14,526	1,393,013	800,132	1,155,501	914,811	49,020,519
Seaboard Air Line Railway Company.....	33,030,230	5,532,973	27,413	1,005,770	1,374,621	354,882	1,464,989	42,790,878
Tampa Northern Railroad Company.....	-----	-----	-----	-----	-----	74,173	-----	74,173
Tampa Union Station Company.....	(a)	-----	-----	-----	-----	-----	-----	-----
Tavares & Gulf Railroad Company.....	106,180	10	-----	-----	735	428	279	107,632
The Marianna & Blountstown Railroad Company.....	70,643	-----	-----	3,037	1,239	113	1,010	76,042
The South Georgia Railway Company.....	118,173	3,941	-----	12,869	500	544	980	137,007
Trans Florida Central Railroad Company.....	2,345	34	-----	1,150	-----	-----	873	4,402
Total.....	\$195,747,044	\$ 27,611,752	\$ 133,075	\$6,678,183	\$5,596,731	\$3,160,272	\$6,221,580	\$245,148,637

(a) Not applicable.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1937
INCOME ACCOUNT—ENTIRE LINE

NAME OF ROAD	Railway Operating Revenues	Railway Operating Expenses	Net Revenue from Railway Operations	Railway Tax Accruals	Railway Operating Income	Net Rents	Net Railway Operating Income	Other Income	Total Income	Miscellaneous Deductions from Income	Income Avail- able for Fixed Charges	Fixed Charges	Contingent Charges	Net Income	Income Applied to Funds and Appropriated for Other Purposes	Income Balance Transferred to Profit & Loss
Alabama, Florida & Gulf Railroad.....	\$ 8,166	\$ 6,930	\$ 1,236	\$ 1,029	\$ 207	\$ *523	\$ *316	\$-----	\$ *316	\$ 651	\$ *967	\$-----	\$-----	\$ *967	\$-----	\$ *967
Alabama & Florida Railroad Company.....	10,681	8,736	1,945	607	1,338	*322	1,016	-----	1,016	544	472	-----	-----	*472	-----	472
Alabama & Western Florida Railroad Company.....	17,319	22,788	*5,469	1,781	*7,250	*266	*7,516	-----	*7,516	-----	*7,516	-----	-----	*8,798	-----	*8,798
Apalachicola Northern Railroad Company.....	255,705	284,005	*28,300	12,319	*40,619	*10,746	*51,365	-----	*51,365	12	*51,377	-----	1,282	*51,377	-----	*51,377
Atlanta & St. Andrews Bay Railway Company.....	877,562	457,607	419,955	67,999	351,956	*67,520	284,436	4,816	289,252	612	288,640	-----	-----	*288,640	-----	*288,640
Atlantic Coast Line Railroad Company.....	47,972,180	36,832,801	11,139,379	4,825,000	6,314,379	*1,375,605	4,938,774	4,846,962	9,785,736	874,558	8,911,178	115,638	-----	*8,911,178	96,000	77,002
Florida East Coast Railway Company.....	9,303,206	7,123,303	2,179,903	901,160	1,278,743	*537,165	741,578	94,525	836,103	42,335	793,768	2,974,961	5,404	*2,974,961	29,869	2,424,272
Georgia & Florida Railroad.....	1,291,201	1,155,753	135,448	73,157	62,291	*27,416	34,875	10,314	45,189	2,404	42,785	-----	-----	*42,785	759	*2,181,952
Georgia Southern & Florida Railway Company.....	2,408,078	1,963,818	444,260	161,027	283,233	*41,492	241,741	10,198	251,939	2,494	249,445	302,826	-----	*249,445	-----	628,079
Jacksonville, Gainesville & Gulf Railway.....	33,557	34,549	*992	4,795	*5,787	*1,804	*7,591	429	*7,162	37	*7,199	31,757	-----	*31,757	-----	38,956
Jacksonville Terminal Company.....	-----	-----	-----	79,659	*79,659	278,961	199,302	29,973	229,275	7,611	221,664	221,646	-----	*221,664	-----	38,956
Live Oak, Perry & Gulf Railroad Company.....	254,730	143,989	110,741	23,825	86,916	46	86,962	689	87,651	389	87,262	13,086	-----	*87,262	-----	18
Louisville & Nashville Railroad Company.....	90,194,993	68,104,747	22,090,246	7,716,721	14,373,525	1,177,596	15,551,121	1,221,656	16,772,777	95,855	16,676,922	9,576,576	-----	*16,676,922	48,000	26,176
St. Johns River Terminal Company.....	310,606	240,546	70,060	43,921	26,139	*17,790	8,349	63,549	71,898	85	71,813	82,664	-----	*71,813	-----	*10,851
St. Louis-San Francisco Railway Company.....	49,020,519	41,273,268	7,747,251	3,194,565	4,552,686	414,325	4,967,011	171,553	5,138,564	40,122	5,098,442	12,855,098	-----	*5,098,442	-----	*7,756,656
Seaboard Air Line Railway Company.....	42,790,878	34,737,510	8,053,368	2,551,930	5,501,438	*1,152,450	4,348,988	380,355	4,729,343	40,366	4,688,977	9,319,256	-----	*4,688,977	-----	*4,630,279
Tampa Northern Railroad Company.....	74,173	34,340	39,833	22,005	17,828	*3,091	14,737	106,335	121,072	1,760	119,312	93,063	-----	*119,312	-----	26,249
Tampa Union Station Company.....	-----	-----	-----	9,218	*9,218	21,806	12,588	2,335	14,923	154	14,769	12,789	-----	*14,769	-----	1,980
Tavares & Gulf Railroad Company.....	107,632	65,429	42,203	5,504	36,699	*3,735	32,964	341	33,305	269	33,036	24,850	-----	*33,036	-----	8,186
The Marianna & Blountstown Railroad Company.....	76,042	48,294	27,748	1,958	25,790	*3,519	22,271	141	22,412	-----	22,412	15,983	-----	*22,412	-----	6,429
The South Georgia Railway Company.....	137,007	97,505	39,502	14,355	25,147	*8,234	16,913	890	17,803	-----	17,803	11,399	-----	*17,803	-----	6,404
Trans Florida Central Railroad Company.....	4,402	4,030	372	1,082	*710	-----	*710	-----	*710	-----	*710	-----	-----	*710	-----	*710
Total.....	\$245,148,637	\$192,639,948	\$ 52,508,689	\$ 19,713,617	\$ 32,795,072	*1,358,944	\$ 31,436,128	\$ 6,945,061	\$ 38,381,189	\$ 1,110,258	\$ 37,270,931	\$ 42,775,371	\$ 5,404	\$ *5,509,844	\$ 174,628	\$ *5,684,472

Asterisk indicates debit item or deficit.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1937
OPERATING EXPENSES—ENTIRE LINE

NAME OF ROAD	Maintenance of Way and Structures	Maintenance of Equipment	Traffic Expenses	Transporta- tion Expenses	Miscellaneous Operations	General Expenses	Transporta- tion for Investment- Credit	Total Operating Expenses
Alabama, Florida & Gulf Railroad.....	\$ 2,247	\$ 1,579	\$ 447	\$ 2,149	\$-----	\$ 508	\$-----	\$ 6,930
Alabama & Florida Railroad Company.....	2,771	1,149	467	2,564	-----	1,785	-----	8,736
Alabama & Western Florida Railroad Company.....	8,052	3,084	185	7,269	-----	4,198	-----	22,788
Apalachicola Northern Railroad Company.....	166,419	26,197	5,507	65,353	-----	20,529	-----	284,005
Atlanta & St. Andrews Bay Railway Company.....	114,295	65,448	43,330	194,969	-----	40,678	1,113	457,607
Atlantic Coast Line Railroad Company.....	4,941,670	9,367,323	1,755,554	18,631,096	564,586	1,738,032	165,460	36,832,801
Florida East Coast Railway Company.....	1,216,090	1,824,426	271,494	3,177,842	206,564	485,013	58,126	7,123,303
Georgia & Florida Railroad.....	284,667	224,489	103,305	473,567	-----	70,258	533	1,155,753
Georgia Southern & Florida Railway Company.....	402,815	493,468	20,985	954,358	61,785	30,538	131	1,963,818
Jacksonville, Gainesville & Gulf Railway.....	9,810	5,228	924	14,818	-----	3,769	-----	34,549
Jacksonville Terminal Company.....	(a)-----	-----	-----	-----	-----	-----	-----	-----
Live Oak, Perry & Gulf Railroad Company.....	50,522	25,147	5,258	48,176	-----	14,886	-----	143,989
Louisville & Nashville Railroad Company.....	9,841,100	20,605,909	2,264,981	31,690,500	521,702	3,218,319	37,764	68,104,747
St. Johns River Terminal Company.....	45,555	20,237	-----	170,593	-----	4,169	8	240,546
St. Louis-San Francisco.....	7,317,752	11,301,880	1,367,275	19,124,170	410,215	1,977,558	225,582	41,273,268
Seaboard Air Line Railway Company.....	5,960,010	8,665,811	1,942,287	15,815,284	653,811	1,800,574	100,267	34,737,510
Tampa Northern Railroad Company.....	6,747	761	865	20,787	-----	5,180	-----	34,340
Tampa Union Station Company.....	(a)-----	-----	-----	-----	-----	-----	-----	-----
Tavares & Gulf Railroad Company.....	16,221	7,331	1,996	33,561	-----	6,320	-----	65,429
The Marianna & Blountstown Railroad Company.....	15,983	7,739	4,233	15,526	-----	4,813	-----	48,294
The South Georgia Railway Company.....	31,417	16,338	3,501	38,094	-----	8,155	-----	97,505
Trans Florida Central Railroad Company.....	680	169	-----	1,693	-----	1,488	-----	4,030
Total.....	\$ 30,434,823	\$ 52,663,713	\$ 7,792,594	\$ 90,482,369	\$ 2,448,663	\$ 9,436,770	\$ 588,984	\$ 192,639,948

(a) Not applicable.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1937
MILEAGE OPERATED—ENTIRE LINE

NAME OF ROAD	Miles of Road	Second Main Track	Miles of Passing Tracks, Cross-overs and Turn-Outs	Miles of Way and Yard Switching Tracks	Total
Alabama, Florida & Gulf Railroad.....	29.00	-----	-----	1.10	30.10
Alabama & Florida Railroad Company.....	29.00	-----	-----	1.10	30.10
Alabama & Western Florida Railroad Company.....	38.00	-----	-----	3.92	41.92
Apalachicola Northern Railroad Company.....	99.12	-----	-----	9.02	108.14
Atlanta & St. Andrews Bay Railway Company.....	82.00	-----	-----	23.42	105.42
Atlantic Coast Line Railroad Company.....	5,105.14	691.54	341.38	1,183.50	7,321.56
Florida East Coast Railway Company.....	684.92	326.88	172.20	253.33	1,437.33
Georgia & Florida Railroad.....	407.88	-----	9.41	60.66	477.95
Georgia Southern & Florida Railway Company.....	397.95	8.64	40.89	110.59	558.07
Jacksonville, Gainesville & Gulf Railway.....	38.25	-----	4.33	2.59	45.17
Jacksonville Terminal Company.....	7.22	-----	-----	44.45	51.67
Live Oak, Perry & Gulf Railroad Company.....	77.00	-----	-----	9.56	86.56
Louisville & Nashville Railroad Company.....	4,937.99	(1) 563.34	765.17	1,981.06	8,247.56
St. Johns River Terminal Company.....	-----	-----	-----	54.04	54.04
St. Louis-San Francisco Railway Company.....	4,885.34	140.44	584.94	1,230.12	6,840.84
Seaboard Air Line Railway Company.....	4,317.99	63.60	537.19	910.71	5,829.49
Tampa Northern Railroad Company.....	2.72	-----	-----	-----	2.72
Tampa Union Station Company.....	(a) -----	-----	-----	-----	-----
Tavares & Gulf Railroad Company.....	37.71	-----	1.99	3.08	42.78
The Marianna & Blountstown Railroad Company.....	41.00	-----	-----	2.75	43.75
The South Georgia Railway Company.....	77.48	-----	-----	11.62	89.10
Trans Florida Central Railroad Company.....	10.79	-----	-----	2.01	12.80
Total.....	21,306.50	1,794.44	2,457.50	5,898.63	31,457.07

(a) Tracks operated jointly by railroads entering Tampa.

(1) Includes 2.05 miles of all other main tracks.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1937

RAIL-LINE OPERATIONS—ENTIRE LINE

NAME OF ROAD	Total Revenue Passengers Carried	Average Miles Passengers Carried	Average Revenue per Passenger Carried	Total Tons Revenue Freight Hauled	Average Miles per Ton Hauled	Average Revenue per Ton Hauled
Alabama, Florida & Gulf Railroad.....	41	19.00	.32	5,613	21.06	\$ 1.14
Alabama & Florida Railroad Company.....	97	15.14	.28	5,990	26.99	1.47
Alabama & Western Florida Railroad Company.....	141	11.92	.24	40,678	26.00	.32
Apalachicola Northern Railroad Company.....	12,974	33.85	.41	117,568	82.40	1.87
Atlanta & St. Andrews Bay Railway Company.....	10,050	42.45	.58	1,192,688	67.10	.70
Atlantic Coast Line Railroad Company.....	2,057,812	196.67	3.79	15,291,395	171.77	2.28
Florida East Coast Railway Company.....	536,738	258.69	5.06	1,426,941	240.27	3.90
Georgia & Florida Railroad.....	72,085	29.30	.44	971,870	109.44	1.25
Georgia Southern & Florida Railway Company.....	182,541	155.88	2.95	1,067,473	156.84	1.49
Jacksonville, Gainesville & Gulf Railway.....	4	11.00	.25	18,075	31.75	1.12
Jacksonville Terminal Company.....	(a)					
Live Oak, Perry & Gulf Railroad Company.....	8,172	24.00	.48	234,970	39.00	1.01
Louisville & Nashville Railroad Company.....	4,133,845	101.75	1.74	45,943,060	220.12	1.67
St. Johns River Terminal Company.....	(a)					
St. Louis-San Francisco Railway Company.....	1,412,465	139.12	2.67	17,217,865	241.81	2.38
Seaboard Air Line Railway Company.....	1,879,612	163.82	2.94	15,570,446	187.65	2.12
Tampa Northern Railroad Company.....	(a)					
Tampa Union Station Company.....	(a)					
Tavares & Gulf Railroad Company.....	49	10.06	.20	56,233	28.16	1.89
The Marianna & Blountstown Railroad Company.....				94,696	30.98	.75
The South Georgia Railway Company.....	11,197	16.53	.35	131,826	33.00	.89
Trans Florida Central Railroad Company.....	189	10.79	.18	2,765	10.79	.85

(a) Not applicable.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1937
INVESTMENT IN ROAD AND EQUIPMENT—STATE OF FLORIDA

NAME OF ROAD	Miles of Road Owned Florida	Investment in Road	Investment in Equipment	Other Investments	Total Investment
Alabama, Florida & Gulf Railroad.....	9.91	\$ 44,291	\$ 4,160	\$ 131	\$ 48,582
Alabama & Florida Railroad Company.....	9.91	2,859	*175	10	3,044
Alabama & Western Florida Railroad Company.....	19.25	129,527	5,994	6,223	141,744
Apalachicola Northern Railroad Company.....	98.68	2,798,196	127,001	-----	2,925,197
Atlanta & St. Andrews Bay Railway Company.....	66.00	1,564,222	182,509	-----	1,746,731
Atlantic Coast Line Railroad.....	1,849.99	74,041,542	18,813,037	93,133	92,947,712
Florida East Coast Railway Company.....	679.02	66,564,871	12,796,086	1,268,407	80,629,364
Georgia & Florida Railroad.....	12.71	168,772	50,575	*178	219,169
Georgia Southern & Florida Railway Company.....	152.90	4,137,555	1,020,581	1,362	5,159,498
Jacksonville, Gainesville & Gulf Railway.....	38.25	383,036	16,066	4,799	403,901
Jacksonville Terminal Company.....	40.93	4,286,809	249,383	182,297	4,718,489
Live Oak, Perry & Gulf Railroad Company.....	76.00	1,239,068	61,086	-----	1,300,154
Louisville & Nashville Railroad Company.....	241.79	7,723,334	2,800,179	7,633	10,531,146
St. Johns River Terminal Company.....	40.86	2,091,401	53,144	-----	2,144,545
St. Louis-San Francisco Railway Company.....	47.53	2,892,877	324,695	14,526	3,232,098
Seaboard Air Line Railway Company.....	917.76	50,202,942	14,004,776	164,884	64,372,602
Tampa Northern Railroad Company.....	49.47	2,352,771	-----	122,456	2,475,227
Tampa Union Station Company.....	1.72	259,958	-----	17,601	277,559
Tavares & Gulf Railroad Company.....	34.32	675,693	45,255	38,330	759,278
The Marianna & Blountstown Railroad Company.....	41.00	208,303	24,650	1,433	234,386
The South Georgia Railway Company.....	40.49	289,366	36,819	2,905	329,090
Trans Florida Central Railroad Company.....	16.04	92,946	1,055	3,760	97,761
Total.....	4,484.53	\$222,150,339	\$ 50,617,226	\$ 1,929,712	\$274,697,277

Asterisk indicates credit item.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1937
OPERATING REVENUES—STATE OF FLORIDA

NAME OF ROAD	Freight	Passenger	Excess Baggage	Mail	Express	Switching	All Other	F Total Revenue
Alabama, Florida & Gulf Railroad.....	\$ 1,329	\$ 3	\$	\$ 558	\$ 38	\$	\$ 7	\$ 1,935
Alabama & Florida Railroad Company.....	1,993	5		558	30		96	2,682
Alabama & Western Florida Railroad Company.....	12,920	34		4,275		74	16	17,319
Apalachicola Northern Railroad Company.....	219,447	5,308		18,046	3,687	396	8,821	255,705
Atlanta & St. Andrews Bay Railroad Company.....	705,435	4,751	8	11,901	5,754	4,723	11,731	744,303
Atlantic Coast Line Railroad Company.....	8,144,633	1,330,309	6,968	367,132	611,870	77,564	785,197	11,323,673
Florida East Coast Railway Company.....	5,558,444	2,716,171	18,474	298,809	278,082	12,255	420,971	9,303,206
Georgia & Florida Railroad.....	11,724	550		355	138	95	160	13,022
Georgia Southern & Florida Railway Company.....	222,135	106,186	301	28,129	6,006	27	19,263	382,047
Jacksonville, Gainesville & Gulf Railway.....	20,256	1			108	12,674	518	33,557
Jacksonville Terminal Company.....	(a)							
Live Oak, Perry & Gulf Railroad Company.....	237,792	3,951	1	8,688	1,946	191	2,161	254,730
Louisville & Nashville Railroad Company.....	1,124,799	214,150	1,030	52,537	48,163	25,986	253,576	1,720,241
St. Johns River Terminal Company.....						305,652	4,954	310,606
St. Louis-San Francisco Railway Company.....	89,505	7,225	103	3,568	2,067	30,139	16,357	148,964
Seaboard Air Line Railway Company.....	8,620,905	1,848,620	10,674	274,543	535,449	117,400	850,516	12,258,107
Tampa Northern Railroad Company.....						74,173		74,173
Tampa Union Station Company.....	(a)							
Tavares & Gulf Railroad Company.....	106,180	10			735	428	279	107,632
The Marianna & Blountstown Railroad Company.....	70,643			3,037	1,239	113	1,010	76,042
The South Georgia Railway Company.....	62,004	2,067		6,768	267	424	529	72,039
Trans Florida Central Railroad Company.....	2,345	34		1,150			873	4,402
Total.....	\$ 25,212,489	\$6,239,375	\$ 37,559	\$1,080,054	\$1,495,579	\$ 662,314	\$2,377,035	\$ 37,104,405

(a) Not applicable.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1937

OPERATING EXPENSES—STATE OF FLORIDA

NAME OF ROAD	Maintenance of Way & Structures	Maintenance of Equipment	Traffic Expenses	Transportation Expenses	Miscellaneous Operations	General Expenses	Transportation for Investment —Credit	Total Operating Expenses
Alabama, Florida & Gulf Railroad.....	\$ 769	\$ 540	\$ 153	\$ 735	\$.....	\$ 174	\$.....	\$ 2,371
Alabama & Florida Railroad Company.....	947	393	160	877	.....	610	.....	2,987
Alabama & Western Florida Railroad Company.....	8,052	3,084	185	7,269	.....	4,198	.....	22,788
Apalachicola Northern Railroad Company.....	166,419	26,197	5,507	65,353	.....	20,529	.....	284,005
Atlanta & St. Andrews Bay Railway Company.....	91,996	52,679	34,876	156,931	.....	32,742	896	368,328
Atlantic Coast Line Railroad Company.....	1,149,244	2,180,357	412,113	4,345,685	117,620	409,851	40,569	8,574,301
Florida East Coast Railway Company.....	1,216,090	1,824,426	271,494	3,177,842	206,564	485,013	58,126	7,123,303
Georgia & Florida Railroad.....	7,436	3,136	733	10,031	.....	1,297	39	22,594
Georgia Southern & Florida Railway Company.....	123,460	84,439	3,977	237,551	13,466	7,944	.....	470,837
Jacksonville, Gainesville & Gulf Railway.....	9,810	5,228	924	14,818	.....	3,769	.....	34,549
Jacksonville Terminal Company.....	(a)	.....	.....	.....	.....	.....	.....	.....
Live Oak, Perry & Gulf Railroad Company.....	50,522	25,147	5,258	48,176	.....	14,886	.....	143,989
Louisville & Nashville Railroad Company.....	344,203	465,885	43,254	938,152	29,701	87,432	505	1,908,122
St. Johns River Terminal Company.....	45,555	20,237	.....	170,593	.....	4,169	8	240,546
St. Louis-San Francisco Railway Company.....	53,884	40,767	3,399	134,611	37	11,462	690	243,470
Seaboard Air Line Railway Company.....	1,707,336	2,482,452	556,397	4,530,525	187,294	515,801	28,722	9,951,083
Tampa Northern Railroad Company.....	6,747	761	865	20,787	.....	5,180	.....	34,340
Tampa Union Station Company.....	(a)	.....	.....	.....	.....	.....	.....	.....
Tavares & Gulf Railroad Company.....	16,221	7,331	1,996	33,561	.....	6,320	.....	65,429
The Marianna & Blountstown Railroad Company.....	15,983	7,739	4,233	15,526	.....	4,813	.....	48,294
The South Georgia Railway Company.....	3,592	1,809	405	4,241	.....	947	.....	10,994
Trans Florida Central Railroad Company.....	680	169	.....	1,693	.....	1,488	.....	4,030
Total.....	\$5,018,946	\$7,232,776	\$1,345,929	\$ 13,914,957	\$554,682	\$1,618,625	\$ 129,555	\$ 29,556,360

(a) Not applicable.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1937
MILEAGE OPERATED (Exclusive of Yard Tracks)—STATE OF FLORIDA

NAME OF ROAD	Line Owned Main Line	Line Owned Branches and Spurs	Lines of Proprietary Companies	Lines Operated under Lease	Lines Operated under Contract	Lines Operated under Track- age Rights	Total Mileage Operated	New Lines Constructed During Year
Alabama, Florida & Gulf Railroad.....	9.91						9.91	
Alabama & Florida Railroad Company.....	9.91						9.91	
Alabama & Western Florida Railroad Company.....	19.25			18.75			38.00	
Apalachicola Northern Railroad Company.....	95.62	3.06				.44	99.12	
Atlanta & St. Andrews Bay Railway Company.....	66.00						66.00	
Atlantic Coast Line Railroad Company.....	1,081.18	763.18	161.73	14.75		9.85	2,030.69	.10
Florida East Coast Railway Company.....	426.00	253.02			5.11	.79	684.92	
Georgia & Florida Railroad.....	12.71						12.71	
Georgia Southern & Florida Railway Company.....	152.90					5.37	158.27	
Jacksonville, Gainesville & Gulf Railway.....	38.25						38.25	
Jacksonville Terminal Company.....	40.15					11.52	51.67	
Live Oak, Perry & Gulf Railroad Company.....	64.00	12.00				1.00	77.00	
Louisville & Nashville Railroad Company.....	204.71	37.08				.98	242.77	
St. Johns River Terminal Company.....	37.81					16.23	54.04	.94
St. Louis-San Francisco Railway Company.....	45.19	2.34					47.53	
Seaboard Air Line Railway Company.....	877.33	37.73	140.30	625.49		6.52	1,687.37	
Tampa Northern Railroad Company.....	2.72						2.72	
Tampa Union Station Company.....	(1)							
Tavares & Gulf Railroad Company.....	34.32					3.39	37.71	
The Marianna & Blountstown Railroad Company.....	41.00						41.00	
The South Georgia Railway Company.....	40.49						40.49	
Trans Florida Central Railroad Company.....	10.68					.11	10.79	
Total.....	\$3,310.13	\$ 1,108.41	\$ 302.03	\$ 658.99	\$ 5.11	\$ 56.20	\$5,440.87	\$ 1.04

(1) Tracks operated jointly by railroads entering Tampa.

STATISTICS OF RAILROAD COMPANIES—CALENDAR YEAR 1937
 TONS OF REVENUE FREIGHT CARRIED—STATE OF FLORIDA

NAME OF ROAD	Products of Agriculture	Animals and Products	Products of Mines	Products of Forests	Manufactures and Miscellaneous	Merchandise All L.C.L. Freight	Grand Total
Alabama, Florida & Gulf Railroad.....	2,348	-----	163	-----	438	111	3,060
Alabama & Florida Railroad Company.....	3,040	-----	1,222	215	311	115	4,903
Alabama & Western Florida Railroad Company.....	-----	-----	294	4,0165	220	7	40,686
Apalachicola Northern Railroad Company.....	20	762	38,822	26,442	47,872	3,650	117,568
Atlanta & St. Andrews Bay Railway Company.....	25,123	75	18,098	799,842	329,448	6,867	1,179,453
Atlantic Coast Line Railroad Company.....	847,613	61,219	3,216,838	862,224	1,464,256	134,154	6,586,304
Florida East Coast Railway Company.....	256,093	41,543	166,912	253,437	643,285	65,671	1,426,941
Georgia & Florida Railroad.....	4,717	1,226	15,441	17,701	15,027	1,524	55,636
Georgia Southern & Florida Railway Company.....	46,410	17,354	103,302	77,577	209,880	21,410	475,933
Jacksonville, Gainesville & Gulf Railway.....	1,429	30	12,200	1,709	2,460	247	18,075
Jacksonville Terminal Company.....	(a)	-----	-----	-----	-----	-----	-----
Live Oak, Perry & Gulf Railroad Company.....	6,352	-----	23,567	183,982	18,328	2,741	234,970
Louisville & Nashville Railroad Company.....	52,329	10,741	139,215	574,230	397,461	34,196	1,208,172
St. Johns River Terminal Company.....	(a)	-----	-----	-----	-----	-----	-----
St. Louis-San Francisco Railway Company.....	17,844	991	47,901	78,692	65,091	3,676	214,195
Seaboard Air Line Railway Company.....	617,074	49,806	3,942,212	675,437	987,094	115,182	6,386,805
Tampa Northern Railroad Company.....	(a)	-----	-----	-----	-----	-----	-----
Tampa Union Station Company.....	(a)	-----	-----	-----	-----	-----	-----
Tavares & Gulf Railroad Company.....	41,170	-----	2,328	4,734	7,535	467	56,234
The Marianna & Blountstown Railroad Company.....	167	69	1,016	80,244	12,102	1,098	94,696
The South Georgia Railway Company.....	6,237	-----	3,489	75,656	7,214	401	92,997
Trans Florida Central Railroad Company.....	-----	-----	70	186	2,397	112	2,765
Total.....	1,927,966	183,816	7,733,090	3,752,473	4,210,419	391,629	18,199,393

(a) Not applicable.

WRECK AND ACCIDENT REPORT—RAILROAD
1938

OF THE RAILROAD COMMISSION

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CLASSIFICATION OF WRECKS AND ACCIDENTS	Apalachicola Northern Railroad Co.	Atlanta and St. Andrews Bay Ry.	Atlantic Coast Line Railroad	Florida East Coast Railway	Louisville & Nashville Railroad Co.	Seaboard Air Line Railway	Total
I. COLLISIONS:							
1. Negligence or carelessness of employees.....			1	1	1	3	6
2. Weather conditions.....							
3. Mechanical equipment, signals, etc.....							
II. DERAILMENTS:							
1. Negligence or carelessness of employees.....				2		1	3
2. Washouts, etc.....							
3. Track defects.....		1		2		1	4
4. Way and structure defects.....							
5. Car equipment defects.....	2			1		2	5
6. Engine equipment defects.....				1			1
7. Not otherwise classified.....			1	1		3	5
III. EXPLOSIONS:							
1. Negligence or carelessness of employees.....							
2. Defective equipment.....							
IV. MISCELLANEOUS:							
1. Improper loading.....							
2. Animal on track.....							
3. Other obstruction on track.....						1	1
4. Criminal intent, tampered switches, etc.....							

WRECK AND ACCIDENT REPORT—RAILROAD 1938

CLASSIFICATION OF WRECKS AND ACCIDENTS	Apalachicola Northern Railroad Co.	Atlanta and St. Andrews Bay Ry.	Atlantic Coast Line Railroad	Florida East Coast Railway	Louisville & Nashville Railroad Co.	Seaboard Air Line Railway	Total
V. PERSONAL ACCIDENTS:							
1. Employees on duty.....			2				2
2. Employees off duty.....							
3. Passengers.....							
4. Trespassers—							
a. Walking on track, crossing track.....			6	10		8	24
b. At public crossing.....			1	2			3
c. Beating way on train.....			2	4		1	7
d. Suicide.....				2		1	3
e. Other causes.....	1		9	5	1	5	21
VI. GRADE CROSSINGS:							
1. Automobile accidents.....		4	14	45		16	80
2. Other vehicle accidents.....	1						
CASUALTIES:							
Employees killed.....	1			3		2	6
Employees wounded.....			5	3	3	8	19
Others killed.....		1	24	27	1	22	75
Others wounded.....		2	27	22	2	50	103
DAMAGE:							
Track.....	\$ 3,375.00	\$10.00	\$ 286.00	\$ 5,933.74		\$ 2,278.06	\$ 12,582.80
Equipment.....	3,639.47	85.00	25,984.50	45,278.00	2,159.46	19,499.79	96,646.22

Bridge Companies

**STATISTICS OF BRIDGE COMPANIES
GENERAL BALANCE SHEET AT DECEMBER 31, 1937**

ASSETS	Gandy Bridge Company	Pensacola Bridge Corporation	Tampa- Clearwater Bridge Co.
Investment in road and equipment.....	\$3,657,078.03	\$1,810,574.70	\$ 711,249.81
Miscellaneous physical property.....	163,260.09	476,548.62	-----
Other investments.....	-----	59,967.03	-----
Current assets.....	260,266.35	32,463.18	24,905.23
Rents and insurance premiums paid in advance.....	6,580.53	12,204.69	903.32
Discount on funded debt.....	98,522.34	536,193.26	-----
Other unadjusted debits.....	1,534,448.44	54,351.94	-----
Deferred assets.....	-----	-----	562.82
Grand Total.....	\$5,720,155.78	\$2,982,303.42	\$ 737,621.18
LIABILITIES			
Capital stock.....	\$2,584,737.50	\$ 600,600.00	\$ 115,000.00
Funded debt.....	1,500,000.00	2,747,500.00	\$ 540,000.00
Current liabilities.....	97,679.80	1,803.49	6,082.52
Unadjusted credits.....	912,019.15	482,253.45	72,272.03
Appropriated surplus.....	196,802.98	-----	-----
Profit and loss.....	428,916.35	*849,853.52	4,266.63
Grand Total.....	\$5,720,155.78	\$2,982,303.42	\$ 737,621.18

*—Indicates debit item or deficit.

**STATISTICS OF BRIDGE COMPANIES
PROFIT AND LOSS ACCOUNT—CALENDAR YEAR 1937**

ITEMS	Gandy Bridge Company	Pensacola Bridge Corporation	Tampa- Clearwater Bridge Company
Credit balance at beginning of year.....	\$ 392,661.39	\$-----	\$-----
Credit balance transferred from income.....	114,231.19	-----	18,228.98
Miscellaneous credits.....	13,004.38	20.04	-----
Debit balance carried to balance sheet.....	-----	849,853.52	-----
Total Credits.....	\$ 519,896.96	\$ 849,873.56	\$ 18,228.98
Debit balance at beginning of year.....	\$-----	\$ 770,194.37	\$ 13,962.35
Debit balance transferred from income.....	-----	78,397.75	-----
Surplus applied to sinking and other reserve funds.....	4,374.99	-----	-----
Debits from retired road and equipment.....	-----	154.07	-----
Miscellaneous debits.....	86,605.62	1,127.37	-----
Credit balance carried to balance sheet.....	428,916.35	-----	4,266.63
Total Debits.....	\$ 519,896.96	\$ 849,873.56	\$ 18,228.98

**STATISTICS OF BRIDGE COMPANIES
INCOME ACCOUNT—CALENDAR YEAR 1937**

NAME OF ACCOUNTS	Gandy Bridge Company	Pensacola Bridge Corporation	Tampa- Clearwater Bridge Co.
Operating revenues—tolls.....	\$ 378,948.60	\$ 90,496.35	\$ 118,431.10
Operating expenses.....	118,137.76	83,958.92	70,945.75
Net revenue from bridge operation.....	\$ 260,810.84	\$ 6,537.43	\$ 47,485.35
Bridge tax accruals.....	34,806.19	4,502.20	6,956.03
Bridge operating income.....	\$ 226,004.65	\$ 2,035.23	\$ 40,529.32
Other income.....	402.50	35,661.95	10.50
Total income.....	\$ 226,407.15	\$ 37,697.18	\$ 40,539.82
Miscellaneous deductions from income.....	5,389.65	73,927.41	-----
Income available for fixed charges.....	\$ 221,017.50	\$ *36,230.23	\$ 40,539.82
Fixed charges.....	106,786.31	42,167.52	22,310.84
Income balance transferred to profit and loss.....	\$ 114,231.19	\$ *78,397.75	\$ 18,228.98

*—Indicates debit item or deficit.

Express Companies

STATISTICS OF EXPRESS COMPANIES—CALENDAR YEAR 1937
GENERAL BALANCE SHEET—ENTIRE LINE

ASSETS	Railway Express Agency, Incorporated	Southeastern Express Company
Real property and equipment.....	\$ 41,939,150.54	\$ 1,234,327.84
Miscellaneous physical property.....	3,950,661.61	
Investments in affiliated companies—stocks.....	28,500.00	25,740.00
Other investments:		
Stocks.....	300.00	
Bonds.....	460,039.07	10,025.00
Notes.....	5,000.00	3,817.88
Cash.....	19,446,481.16	740,672.45
Special deposits.....	701.00	
Loans and notes receivable.....	2,748.25	
Traffic balances receivable.....	55,921.76	3,262.17
Net balances receivable from agents and messengers.....	4,444,985.39	93,217.89
Miscellaneous accounts receivable.....	979,776.35	83,888.46
Material and supplies.....	798,719.81	3,976.22
Interest, dividends and rents receivable.....	4,178.72	
Working fund advances.....	12,550.00	
Other current assets.....	174,789.80	
Other deferred assets.....		7,871.76
Rents and insurance premiums paid in advance.....	66,255.87	2,601.64
Taxes paid in advance.....	244,183.90	
Discount on funded debt.....	248,695.43	
Other unadjusted debits.....	185,274.90	5,217.85
Grand Total.....	\$ 73,048,913.56	\$ 2,214,619.16
LIABILITIES		
Capital stock.....	\$ 100,000.00	\$ 1,000,000.00
Long-term debt.....	29,121,312.21	
Traffic balances payable.....	52,700.80	
Audited accounts and wages unpaid.....	4,715,468.78	268,203.15
Miscellaneous accounts payable.....	2,105,260.94	
Matured interest, dividends and rents unpaid.....	3,000.00	439.62
Matured funded debt unpaid.....	11,000.00	
Miscellaneous advances payable.....	10,435.00	
Unpaid money orders, checks and drafts.....	1,522,236.78	187,231.68
Express privilege liabilities.....	5,277,241.02	43,825.50
Estimated tax liability.....	1,543,816.07	14,321.98
Unmatured interest, dividends and rents payable.....	521,118.50	
Other current liabilities.....	1,132,028.49	1,671.20
Other deferred liabilities.....	1,719.60	
Operating and insurance reserves.....	1,109,925.50	5,706.64
Accrued depreciation—buildings.....	4,235,775.27	86,828.07
Accrued depreciation—equipment.....	20,631,072.13	474,127.64
Accrued depreciation—miscellaneous physical property.....	906,096.36	
Other unadjusted credits.....	48,706.11	1,039.73
Profit and loss—credit balance.....		131,223.95
Grand Total.....	\$ 73,048,913.56	\$ 2,214,619.16

STATISTICS OF EXPRESS COMPANIES—CALENDAR YEAR 1937
INVESTMENT IN REAL PROPERTY AND EQUIPMENT—ENTIRE COMPANY AND STATE OF FLORIDA

NAME OF ACCOUNT	RAILWAY EXPRESS AGENCY, INC.		SOUTHEASTERN EXPRESS COMPANY	
	Entire Company	State of Florida	Entire Company	State of Florida
Land.....	\$ 5,741,682.44	\$ 213,817.32	\$ 20,081.50	.....
Buildings and appurtenances on land owned.....	6,910,442.63	164,557.88	46,389.23	.....
Buildings and appurtenances on land not owned.....	3,403,361.63	685,832.31	92,335.13	.....
Improvements to buildings not owned.....	86,003.86	193.74	40,679.39	.....
Cars.....	947,003.50	.....	.....	.....
Automobiles.....	17,323,140.14	302,179.44	814,948.62	\$ 21,070.57
Office furniture and equipment.....	1,039,608.78	15,593.75	53,283.86	609.99
Office safes.....	404,929.65	6,455.35	25,094.06	164.10
Trucks.....	2,553,759.01	89,213.83	71,775.94	2,145.33
Garage equipment.....	587,778.39	2,269.90	4,772.05	391.13
Line equipment.....	236,093.54	.....	.....	.....
Shop equipment.....	182,162.05	3,120.26	.....	.....
Miscellaneous equipment.....	7,873.08	.....	.....	.....
Minor equipment.....	2,515,311.84	.....	64,968.06	1,107.20
Total real property and equipment.....	\$ 41,939,150.54	\$ 1,483,233.78	\$ 1,234,327.84	\$ 25,488.32

STATISTICS OF EXPRESS COMPANIES—CALENDAR YEAR 1937 PROFIT AND LOSS ACCOUNT—ENTIRE COMPANY

ITEM	Railway Express Agency, Incorporated	Southeastern Express Company
Credit balance at beginning of year.....		\$ 131,223.95
Credit balance transferred from income.....	\$ 22,102.55	
Unrefundable overcharges.....	858.72	690.62
Miscellaneous credits.....	7,658.37	626.69
Total Credits.....	\$ 30,619.64	\$ 132,541.26
Dividend appropriations of surplus.....		\$ 1,057.64
Loss on land sold.....	\$ 869.05	
Miscellaneous debits.....	29,750.59	259.67
Credit balance carried to balance sheet.....		131,223.95
Total Debits.....	\$ 30,619.64	\$ 132,541.26

STATISTICS OF EXPRESS COMPANIES—CALENDAR YEAR 1937 INCOME ACCOUNT—ENTIRE COMPANY

ITEM	Railway Express Agency, Incorporated	Southeastern Express Company
Charges for transportation.....	\$160,787,978.81	\$ 6,101,843.28
Express privileges—debit.....	58,008,583.57	1,996,962.19
Revenue from transportation.....	\$102,779,395.24	\$ 4,104,881.09
Revenue from operations other than transportation.....	2,616,177.41	116,165.64
Total operating revenues.....	\$105,395,572.65	\$ 4,221,046.73
Operating expenses.....	100,440,936.41	3,929,585.83
Net operating revenue.....	\$ 4,954,636.24	\$ 291,460.90
Uncollectible revenue from transportation.....	31,855.68	976.95
Express taxes.....	3,395,041.77	242,448.65
Operating income.....	\$ 1,527,738.79	\$ 48,035.30
OTHER INCOME		
Rent from real property and equipment used jointly.....	\$ 207.06	
Miscellaneous rent income.....	4,155.31	
Dividend income.....	10.00	
Income from funded securities.....	14,717.76	\$ 209.45
Income from unfunded securities and accounts.....	646.26	704.89
Miscellaneous income.....	146,810.63	
Total other income.....	\$ 166,547.02	\$ 914.34
Gross income.....	\$ 1,694,285.81	\$ 48,949.64
DEDUCTIONS FROM GROSS INCOME		
Rent for real property and equipment used jointly.....	\$ 97.93	
Miscellaneous taxes.....	47,841.14	
Net loss on miscellaneous physical property.....	15,861.17	
Interest on funded debt.....	1,557,649.84	
Interest on unfunded debt.....	5,010.40	\$ 7.28
Amortization of discount on funded debt.....	45,477.56	
Miscellaneous income debits.....	245.22	
Total deductions from gross income.....	\$ 1,672,183.26	\$ 7.28
Net income.....	\$ 22,102.55	\$ 48,942.36
DISPOSITION OF NET INCOME		
Dividend appropriations of income.....		\$ 48,942.36
Income balance transferred to profit and loss.....	\$ 22,102.55	

STATISTICS OF EXPRESS COMPANIES—CALENDAR YEAR 1937
OPERATING REVENUES—ENTIRE COMPANY AND STATE OF FLORIDA

ACCOUNT	RAILWAY EXPRESS AGENCY, INC.		SOUTHEASTERN EXPRESS COMPANY	
	Entire Company	State of Florida	Entire Company	State of Florida
TRANSPORTATION				
Express domestic.....	\$ 159,084,364.33		\$ 5,875,805.94	\$ 123,324.99
Miscellaneous.....	1,703,614.48		226,037.34	
Total transportation.....	\$ 160,787,978.81	\$ 3,815,730.70	\$ 6,101,843.28	\$ 123,324.99
Contract payments—express privileges.....	58,008,583.57	1,423,322.22	1,996,962.19	41,918.16
Revenue from transportation.....	\$ 102,779,395.24	\$ 2,392,408.48	\$ 4,104,881.09	\$ 81,406.83
OPERATIONS OTHER THAN TRANSPORTATION				
Customs brokerage fees.....	\$ 162,663.10		\$ 68.17	
Order and commission.....	6,824.30		.40	
Rent of buildings and other property.....	56,472.78		420.00	
Money orders.....			24,053.82	\$ 162.67
C. O. D. Checks.....	1,542,242.76		82,429.02	652.87
Profit on exchange and other financial revenue.....	73.07			
Miscellaneous.....	847,901.40		9,194.23	
Total other than transportation.....	\$ 2,616,177.41	\$ 70,793.95	\$ 116,165.64	\$ 815.54
Total operating revenues.....	\$ 105,395,572.65	\$ 2,463,202.43	\$ 4,221,046.73	\$ 82,222.37

STATISTICS OF EXPRESS COMPANIES—CALENDAR YEAR 1937
OPERATING EXPENSES—ENTIRE COMPANY AND STATE OF FLORIDA

A C C O U N T	RAILWAY EXPRESS AGENCY, INC.		SOUTHEASTERN EXPRESS COMPANY	
	Entire Company	State of Florida	Entire Company	State of Florida
Maintenance expense.....	\$ 5,374,746.55	\$ 127,832.96	\$ 219,570.29	\$ 4,279.09
Traffic expense.....	642,101.49	15,271.74	102,659.06	1,997.93
Transportation expense.....	89,151,478.59	2,120,448.86	3,340,627.41	65,074.33
General expense.....	5,272,609.78	125,403.75	266,729.07	5,197.68
Total operating expenses.....	\$ 100,440,936.41	\$ 2,388,957.31	\$ 3,929,585.83	\$ 76,549.03
Ratio of operating expense to revenue—per cent.....	95.30	96.99	93.10	93.10

**Sleeping Car
Companies**

STATISTICS OF SLEEPING CAR COMPANIES—
CALENDAR YEAR 1937
GENERAL BALANCE SHEET—ENTIRE COMPANY
BALANCE AT DECEMBER 31, 1937

ASSETS	The Pullman Company
Investment in sleeping car property.....	\$ 252,934,364.31
Miscellaneous physical property.....	3,311.63
Investments:	
Stocks.....	278,901.00
Bonds.....	10,348,576.94
Notes.....	70,371.00
Cash.....	17,143,831.72
Special deposits.....	3,000.00
Loans and bills receivable.....	3,231.79
Net balance receivable from receiving cashiers and ticket agents.....	935,266.79
Miscellaneous accounts receivable.....	2,871,223.49
Material and supplies.....	5,520,594.85
Interest and dividends receivable.....	92,178.71
Other current assets.....	177,142.23
Working fund advances.....	25,591.11
Insurance and other funds.....	2,507,797.50
Other deferred assets.....	69,587.03
Rents and insurance premiums paid in advance.....	3,894.60
Other unadjusted debits.....	4,687,362.58
Grand Total.....	\$ 297,676,227.30
LIABILITIES	
Capital stock.....	\$ 108,135,000.00
Wages payable.....	1,157,148.39
Miscellaneous accounts payable.....	1,491,816.88
Dividends matured unpaid.....	1,107.30
Other current liabilities.....	4,117.57
Liability for provident funds.....	2,000,000.00
Other deferred liabilities.....	1,571.81
Tax liability.....	3,491,774.68
Insurance and casualty reserves.....	325,025.02
Operating reserves.....	16,000.00
Accrued depreciation:	
Equipment.....	157,722,922.01
Buildings, appurtenances and grounds.....	4,176,364.35
Other unadjusted credits.....	11,716,398.69
Appropriated surplus not specifically invested.....	1,492,324.48
Profit and loss.....	5,944,656.12
Grand Total.....	\$ 297,676,227.30

STATISTICS OF SLEEPING CAR COMPANIES—
CALENDAR YEAR 1937

OPERATING REVENUES AND EXPENSES—
ENTIRE COMPANY AND STATE OF FLORIDA

NAME OF ACCOUNT	THE PULLMAN COMPANY	
	Entire Company	State of Florida
OPERATING REVENUES		
Standard sleeping car berth revenue.....	\$ 49,382,732.05	\$ 1,407,791.89
Tourist sleeping car berth revenue.....	3,720,230.33	1,211.29
Other car berth revenue.....	1,694.75	49.13
Standard sleeping car seat revenue.....	1,393,777.13	54,215.21
Tourist sleeping car seat revenue.....	8,312.89	-----
Parlor car seat revenue.....	2,784,409.09	3,285.15
Composite car seat revenue.....	17,539.55	754.39
Other car seat revenue.....	57.75	-----
Charter of standard sleeping cars—per diem rates.....	266,183.88	6,914.26
Charter of standard sleeping cars—berth rates.....	244,701.28	-----
Charter of tourist sleeping cars—per diem rates.....	136,162.42	716.06
Charter of tourist sleeping cars—berth rates.....	58.50	-----
Charter of private cars—per diem rates.....	89,548.68	5,206.66
Charter of other cars to other than carriers—per diem rates.....	264.00	-----
Charter of other cars—berth or seat rates.....	3,885.10	-----
Charter of other cars to carriers—other rates.....	429,443.48	18,469.45
Miscellaneous revenue.....	84,917.64	1,706.00
Car mileage revenue.....	7,382,630.42	142,751.84
Contract revenue—debit.....	3,834,275.81	235,016.47
Total Revenues.....	\$ 62,112,273.13	\$ 1,408,054.86
OPERATING EXPENSES		
Maintenance.....	\$ 28,782,776.23	\$ 601,141.91
Conducting car operations.....	22,080,937.11	456,343.56
General Expenses.....	3,701,803.54	75,972.11
Total operating expenses.....	\$ 54,565,516.88	\$ 1,133,457.58
Ratio of expenses to revenue—per cent.....	87.85	80.50
Taxes.....	\$ 3,673,870.04*	\$ 94,221.26†

*—Includes auxiliary operations tax accruals of \$89,019.37.

†—State tax only, does not include a portion of Federal Income or other Federal Taxes.

STATISTICS OF SLEEPING CAR COMPANIES—CALENDAR YEAR 1937
OPERATING AND STATISTICAL STATEMENT—ENTIRE COMPANY

KIND OF CAR	NUMBER OF PASSENGERS			Number of Nonrevenue Passengers	Car Miles	Car Days	Average Revenue per Passenger	
	Berth	Seat	Total				Berth	Seat
CONTRACT OPERATIONS:								
Standard sleeping cars.....	11,654,361	1,558,658	13,213,019	411,909	730,438,045	1,650,217	\$ 4.24	\$.89
Tourist sleeping cars.....	1,194,557	11,456	1,206,013	20,884	75,665,414	143,741	3.11	.73
Parlor cars.....		3,313,797	3,313,797	51,846	49,370,646	179,346		.84
Composite cars.....		11,555	11,555	349	16,487,384	32,209		1.52
Miscellaneous cars.....	158	26	184		636,903	2,060	10.73	2.22
Total—Contract Operations.....	12,849,076	4,895,492	17,744,568	484,988	872,598,392	2,007,573	\$ 4.13	\$.86

STATISTICS	Total	STATISTICS	Dollars	Cents	Mills
Average number of car-miles per car day.....	434,653	Sleeping car operations—revenues.....	\$ 62,112,273	13	
Average number of car-miles per mile of trackage operated over.....	5,573,850	Revenues per car-mile.....		07	118
Average capacity per car (passenger).....		Revenues per car-day.....		30	899
Standard sleeping cars—berths.....	24.79	Sleeping car operations—expenses.....	54,565,516	88	
Tourist sleeping cars—berths.....	29.77	Expenses per car-mile.....		06	253
Parlor cars—seats.....	30.70	Expenses per car-day.....		27	984
Composite cars—seats.....	28.42	Net revenue.....	7,546,756	25	
Average cost per car or new cars placed in service during the year:		Net revenue per car-mile.....			865
Other than steel—new light-weight type.....	\$ 83,774.24	Net revenue per car day.....		3	75
Average weight steel cars—pounds.....	167,000				915
Average weight other than steel cars.....	159,000	Passenger miles.....	\$9,170,428,451		
		Revenue per passenger mile in mills.....		6.25	

Electric Railways

STATISTICS OF ELECTRIC RAILWAYS—CALENDAR YEAR 1937
GENERAL BALANCE SHEET

A S S E T S	City of St. Petersburg	Tampa Electric Company	The Miami Beach Railway Company
Road and equipment.....	\$ 1,409,191.73	\$ 3,299,296.95	\$ 488,331.69
Miscellaneous physical property.....		15,266,586.99	387,447.16
Other investments:			
Stock.....		4.00	
Bonds.....		16,600.00	3,500.00
Miscellaneous.....		1,289.21	
Cash.....	430.00	281,687.08	13,316.29
Loans and notes receivable.....		17,363.24	
Miscellaneous accounts receivable.....		943,668.38	47,142.89
Material and supplies.....	23,283.92	355,572.79	12,741.39
Interest, dividends and rents receivable.....		276.66	
Other current assets.....		11,611.07	2,400.25
Unadjusted debits.....		25,332.01	254,475.40
Grand Total.....	\$ 1,432,905.65	\$20,219,288.38	\$ 1,209,355.07

STATISTICS OF ELECTRIC RAILWAYS—CALENDAR YEAR 1937
GENERAL BALANCE SHEET

LIABILITIES	City of St. Petersburg	Tampa Electric Company	The Miami Beach Railway Company
Capital stock.....			
Funded debt.....	\$.....	\$12,952,793.20	\$ 100,000.00
Non-negotiable debt to affiliated companies.....			100,000.00
Audited accounts and wages payable.....			2,223,000.00
Miscellaneous accounts payable.....		87,228.51	23,184.58
Accrued interest, dividends and rents payable.....	247,065.66		
Other current liabilities.....		12,288.31	82,924.97
Other deferred liabilities.....		455.31	1,929.75
Tax liability.....		241,839.55	
Insurance and casualty reserves.....		313,372.58	1,247.51
Operating reserves.....			36,267.88
Accrued depreciation:		150,705.09	23,613.78
Road and equipment.....	761,395.66	† 2,323,258.47	64,972.77
Miscellaneous physical property.....	21,680.02		15,458.43
Other unadjusted credits.....		13,500.00	1,649.60
Profit and loss—credit balance.....	402,764.31	2,123,847.36	* 1,464,894.20
Grand Total.....	\$ 1,432,905.65	\$20,219,288.38	\$ 1,209,355.07

*—Indicates debit item or deficit.

†—Includes both road and equipment and miscellaneous physical property.

STATISTICS OF ELECTRIC RAILWAYS—CALENDAR YEAR 1937
INCOME STATEMENT FOR THE YEAR

ITEM	City of St. Petersburg	Tampa Electric Company	The Miami Beach Railway Company
Railway operating revenues.....	\$ 206,244.37	\$ 549,287.12	\$ 418,403.05
Railway operating expenses.....	203,758.64	575,254.86	341,694.87
Net revenue—railway operations.....	\$ 2,485.73	\$ 25,967.74*	\$ 76,708.18
Auxiliary operations—revenues.....	\$ 15,059.60	\$	\$
Auxiliary operations—expenses.....	24,193.69	.....	.....
Net revenue—auxiliary operations.....	\$ 9,134.09*	\$	\$
Net operating revenue.....	\$ 6,648.36*	\$ 25,967.74*	\$ 76,708.18
Taxes assignable to railway operations.....	.....	46,999.69	6,292.35
Operating income.....	\$ 6,648.36*	\$ 72,967.43*	\$ 70,415.83
NONOPERATING INCOME			
Miscellaneous rent income.....	\$	\$ 180.00	\$
Net income from Miscellaneous Physical Property.....	.....	1,547,132.27	.....
Income from funded securities.....	.....	516.66	140.00
Income from unfunded securities and accounts.....	.....	1,432.50*	.....
Miscellaneous income.....	.....	709.40	73.99
Total nonoperating income.....	\$	\$ 1,547,105.83	\$ 213.99
Gross income.....	\$ 6,648.36*	\$ 1,474,138.40	\$ 70,629.82
DEDUCTIONS FROM GROSS INCOME			
Rent for leased roads.....	\$	\$	\$ 24,619.81
Net loss on Miscellaneous Physical Property.....	.....	.....	2,647.10
Interest on funded debt.....	.....	.....	8,000.00
Interest on unfunded debt.....	.....	13,105.02	35,362.91
Miscellaneous debits.....	.....	2,878.59	.....
Total deductions from gross income.....	\$	\$ 15,983.61	\$ 70,629.82
Income balance transferred to profit and loss.....	\$ 6,648.36*	\$ 1,458,154.79	\$

*—Indicates deficit.

STATISTICS OF ELECTRIC RAILWAYS—CALENDAR YEAR 1937
RAILWAYS OPERATING REVENUES AND EXPENSES

ITEM	City of St. Petersburg	Tampa Electric Company	The Miami Beach Railway Company
RAILWAY OPERATING REVENUES			
Passenger revenue.....	\$ 202,440.10	\$ 545,276.51	\$ 362,387.55
Parlor, sleeping, dining, and special car revenue.....		196.00	33.40
Miscellaneous transportation revenue.....			52,483.75
Total revenue from transportation.....	\$ 202,440.10	\$ 545,472.51	\$ 414,904.70
REVENUE FROM OTHER RAILWAY OPERATIONS			
Station and car privileges.....	\$ 1,601.62	\$ 3,644.09	\$ 3,489.86
Miscellaneous.....	2,202.65	170.52	8.49
Total revenue from other railway operations.....	\$ 3,804.27	\$ 3,814.61	\$ 3,498.35
Total operating revenues.....	\$ 206,244.37	\$ 549,287.12	\$ 418,403.05
RAILWAY OPERATING EXPENSES			
Way and structures.....	\$ 49,129.30	\$ 134,936.64	\$ 15,882.60
Equipment.....	37,036.52	97,933.25	44,566.08
Power.....	43,492.46	35,537.57	103,859.65
Conducting transportation.....	66,840.54	236,921.96	116,852.35
Traffic.....	2.83	2,369.06	
General and miscellaneous.....	7,256.99	67,556.38	60,534.19
Total operating expenses.....	\$ 203,758.64	\$ 575,254.86	\$ 341,694.87
Ratio of operating expenses to revenue—per cent.....	98.79	104.73	81.67

STATISTICS OF ELECTRIC RAILWAYS—CALENDAR YEAR 1937
ROAD OPERATED AT CLOSE OF YEAR

NAME OF COMPANY	Miles of Road	Miles of Second Main Track	Miles of Sidings and Turnouts	Miles of Track in Carhouses, Shops, etc.	Total
City of St. Petersburg.....	23.274	*1.91	1.94	2.08	29.204
Tampa Electric Company.....	44.26	2.94	5.01	.96	53.17
The Miami Beach Railway Company.....	23.16	4.76	1.09	.66	29.67

*—Includes 38-100ths miles of all other main tracks.

STATISTICS OF ELECTRIC RAILWAYS—CALENDAR YEAR 1937
MILEAGE, TRAFFIC AND MISCELLANEOUS STATISTICS
RAIL-LINE OPERATIONS

ITEM	City of St. Petersburg	Tampa Electric Company	The Miami Beach Railway Company
Passenger car mileage.....	1,122,322	3,199,805	1,478,549
Total car mileage.....	1,122,322	1,199,805	1,478,549
Passenger car-hours.....	113,193	342,010	182,570
Regular fare passengers carried.....	2,984,224	11,165,221	6,294,583
Free transfer passengers carried.....		2,815,542	1,488,363
Total passengers carried.....	2,984,224	13,980,763	7,782,946
Employees and others carried free.....	10,000	117,081	49,071
Passenger revenue.....	\$ 202,440.10	\$ 545,276.51	\$ 362,387.55
Average fare, revenue passengers.....	\$.06783	\$.04883	\$.05757
Average fare, all passengers (including transfers).....	\$.06783	\$.03900	\$.04656
Total revenue from transportation.....	\$ 202,440.10	\$ 545,472.51	\$ 414,904.70
Revenue from transportation per car-mile.....	\$.18037	\$.17047	\$.28062
Revenue from transportation per car-hour.....	\$ 1.78840	\$ 1.59490	\$ 2.27258
Total revenue from other railway operations.....	\$ 3,804.27	\$ 3,814.61	\$ 3,498.35
Revenue from other railway operations per car-mile.....	\$.00338	\$.00119	\$.00237
Revenue from other railway operations per car-hour.....	\$.03360	\$.01115	\$.01916
Total operating revenues.....	\$ 206,244.37	\$ 549,287.12	\$ 418,403.05
Operating revenues per car-mile.....	\$.18362	\$.17166	\$.28298
Operating revenues per car-hour.....	\$ 1.82200	\$ 1.60605	\$ 2.29174
Total operating expenses.....	\$ 203,758.64	\$ 575,254.86	\$ 341,694.87
Operating expenses per car-mile.....	\$.18155	\$.17978	\$.23110
Operating expenses per car-hour.....	\$ 1.80000	\$ 1.68198	\$ 1.87158

STATISTICS OF ELECTRIC RAILWAYS—CALENDAR YEAR 1937
MILEAGE, TRAFFIC AND MISCELLANEOUS STATISTICS
MOTOR BUS OPERATIONS

ITEM	City of St. Petersburg	Tampa Electric Company	The Miami Beach Railway Company
Passenger car mileage.....	204,503	N	963,531
Passenger car-hours.....	18,899	O	80,064
Regular fare passengers carried.....	238,149	N	1,697,503
Free transfer passengers carried.....		E	785,364
Total passengers carried.....	238,149	NONE	2,482,867
Employees and others carried free.....	500	N	9,319
Passenger revenue.....	\$ 15,059.60	O	\$ 168,397.65
Average fare revenue passengers.....	\$.06323	N	\$.09920
Average fare, all passengers (including transfer).....	\$.06323	E	\$.06782
Total revenue from transportation.....	\$ 15,059.60		\$ 170,296.25
Revenue from transportation per car-mile.....	\$.07363		\$.17674
Revenue from transportation per car-hour.....	\$.79684	N	\$ 2.12700
Total operating expenses.....	\$ 24,193.69	O	\$ 152,877.83*
Operating expenses per car-mile.....	\$.11830	N	\$.15866
Operating expenses per car-hour.....	\$ 1.28010	E	\$ 1.90945

*-Does not include \$20,065.52 Taxes charged to Motorbus operations.

Boat Line Operations

STATISTICS OF BOAT LINE OPERATIONS—CALENDAR YEAR 1937
GENERAL BALANCE SHEET—ENTIRE COMPANY

ASSETS	A.G.W. Lines Inc.	Brown Motor Freight and Boat Lines, Inc.	Kinxie Brothers Steamer Line	Pensacola, St. Andrews and Gulf Steamship Company	St. Johns River Line Company	Suwannee Steamship Company
Investment in real property and equipment.....	\$ 10,937,548	\$ 15,590	\$ 64,952	\$ 47,038	\$ 206,661	\$ 8,334
Reserves for accrued depreciation.....	8,406,612*	12,168*	25,430*	32,264*	72,353*	2,579*
Securities of transportation system corporations—unpledged.....	8,015,237					
Long-term advances to transportation system corporation.....	727,108					
Miscellaneous investments.....	55,950	8,524				
Intangible assets.....					28,133	
Cash.....	409,401	45	1,671	13,820	36,900	176
Marketable securities.....	614			15,841	1,449	20,000
Loans and bills receivable.....	199		3,961		9,380	6,374
Traffic balances owed by other companies.....	36,690				387	
Net balance due from agents, pursers and stewards.....	143,373		115	2,424	26,869	274
Insurance claims against underwriters.....	69,462					
Miscellaneous accounts receivable.....	47,507	950	8,788	680		322
Material and supplies.....	226,533	50	252	25	2,256	
Other working assets.....	28,599					
Unmatured dividends and interest receivable.....	21,245					300
Temporary advances.....	35,509					
Rents paid in advance.....	11,229					100
Insurance premiums paid in advance.....	318,956			229	2,297	80
Taxes paid in advance.....		75			598	
Unamortized debt discount and expense.....	374					
Special deposits.....	905			30		
Sinking fund assets.....	1,000					
Insurance and other reserve fund assets.....	351,245					
Open voyage expense.....	143,074					
Other deferred debit items.....	12,290,963			192	2,010	
Grand Total.....	\$ 25,466,109	\$ 13,066	\$ 54,309	\$ 48,015	\$ 244,587	\$ 33,381

*—Indicates credit item.

STATISTICS OF BOAT LINE OPERATIONS—CALENDAR YEAR 1937
GENERAL BALANCE SHEET—ENTIRE COMPANY

LIABILITIES	A. G. W. Lines, Inc.	Brown Motor Freight and Boat Lines, Inc.	Kinzie Brothers Steamer Line	Pensacola, St. Andrews and Gulf Steamship Company	St. Johns River Line Company	Suwannee Steamship Company
Capital stock.....	\$ 7,600,000	\$ 12,123	\$ 20,071	\$ 25,000	\$ 8,738	\$ 1,000
Premium on capital stock.....		1,835			68,079	
Long-term debt.....	3,087,000				40,268	
Loans and bills payable.....	400,000	5,893	8,000		44,479	
Audited vouchers and wages unpaid.....	473,184	7,480				326
Traffic balances owed to other companies.....	45,762				1,999	
Miscellaneous accounts payable.....	97,252		7,677	1,060	2,829	
Matured dividends and interest unpaid.....	4,205					
Matured rents unpaid.....	918,177					
Matured long-term debt unpaid.....	261,000	2,907				
Working advances owed to other companies.....						17,863
Other working liabilities.....	27,628					
Unmatured dividends, interest and rents payable.....	1,085				2,018	
Taxes accrued.....	31,928	378	186	1,071	11,407	572
Deferred credit items.....	592,559					
Appropriated surplus.....	12,041,810		13,569			553
Profit and loss.....	115,481*	17,550*	4,806	20,884	64,770	13,067
Grand Total.....	\$ 25,466,109	\$ 13,066	\$ 54,309	\$ 48,015	\$ 244,587	\$ 33,381

*—Indicates debit balance or deficit.

STATISTICS OF BOAT LINE COMPANIES—CALENDAR YEAR 1937
PROFIT AND LOSS BALANCES AND INCOME ACCOUNTS DETAILED

NAME OF ACCOUNT PROFIT AND LOSS ACCOUNT	A. G. W. Lines, Inc.	Brown Motor Freight and Boat Lines, Inc.	Kinzie Brothers Steamer Line	Pensacola, St. Andrews and Gulf Steamship Company	St. Johns River Line Company	Suwannee Steamship Company
Credit balance at beginning of year.....	\$ 489,587	\$.....	\$ 2,502	\$ 33,612	\$ 72,940	\$ 11,696
Credit balance transferred from income account.....			9,218		659	1,371
Real property and equipment credits.....	645	74			106	
Miscellaneous credits.....	56,018	1,000				
Debit balance carried to balance sheet.....	115,481	17,550				
Total.....	\$ 661,731	\$ 18,624	\$ 11,720	\$ 33,612	\$ 73,705	\$ 13,067
Debit balance at beginning of year.....	\$.....	\$ 7,395	\$.....	\$.....	\$.....	\$.....
Debit balance transferred from income account.....	639,352	8,594		10,129		
Miscellaneous appropriations of surplus.....	807		1,714		4,369	
Real property and equipment debits.....		2,635	5,200		*3,847	
Delayed income debits.....	21,543					
Miscellaneous debits.....	29			2,599	719	
Credit balance carried to balance sheet.....			4,806	20,884	64,770	13,067
Total.....	\$ 661,731	\$ 18,624	\$ 11,720	\$ 33,612	\$ 73,705	\$ 13,067

*—Dividend appropriation.

STATISTICS OF BOAT LINE COMPANIES—CALENDAR YEAR 1937
PROFIT AND LOSS BALANCES AND INCOME ACCOUNTS DETAILED

INCOME ACCOUNT	A.G.W. Lines, Inc.	Brown Motor Freight and Boat Lines, Inc.	Kinzie Brothers Steamer Line	Pensacola, St. Andrews and Gulf Steamship Company	St. Johns River Line Company	Suwannee Steamship Company
Freight revenue.....	\$ 6,808,913	\$ 7,000	\$ 8,125	\$ 37,690	\$ 301,173	\$ 34,855
Passenger revenue.....	2,267,223		6,412	91		
Other transportation revenue.....	320,120		1,354			
Revenue from operations other than transportation.....	152,406		1,755	272	7,682	
Charter revenue.....	730,370					
Total water-line operating revenues.....	\$ 10,279,032	\$ 7,000	\$ 17,646	\$ 38,053	\$ 308,855	\$ 34,855
Maintenance of equipment and terminals.....	\$ 1,261,458	\$ 3,043	\$ 4,216	\$ 6,464	\$ 32,123	\$ 1,207
Traffic expenses.....	710,857	25	623	123	10,988	
Transportation expenses.....	6,609,318	\$ 6,304	\$ 5,819	\$ 32,250	\$ 199,988	\$ 6,355
General expenses.....	784,438	473	3,520	7,149	41,001	18,930
Charter expense.....	839,107				1,725	7,925
Total water-line operating expenses.....	\$ 10,205,178	\$ 9,845	\$ 14,178	\$ 45,986	\$ 285,825	\$ 34,417
Net revenue from water-line operations.....	\$ 73,854	\$ 2,845*	\$ 3,468	\$ 7,933*	\$ 23,030	\$ 438
Net revenue from auxiliary operations.....			6,094			
Net water-line operating revenue.....	\$ 73,854	\$ 2,845*	\$ 9,562	\$ 7,933*	\$ 23,030	\$ 438
Water-line tax accruals.....	174,791	21	172	1,704	13,538	969
Water-line operating income.....	\$ 100,937*	\$ 2,866*	\$ 9,390	\$ 9,637*	\$ 9,492	\$ 531*
Total other income.....	64,714	3,000		1,766	16,344	5,802
Gross income.....	\$ 36,223*	\$ 134	\$ 9,390	\$ 7,871*	\$ 25,836	\$ 5,271
Deductions from gross income.....	601,415	8,728	172	2,258	25,177	3,900
Net income.....	\$ 637,638*	\$ 8,594*	\$ 9,218	\$ 10,129*	\$ 659	\$ 1,371
Appropriations of income.....	1,714					
Net income transferred to profit and loss.....	\$ 639,352*	\$ 8,594*	\$ 9,218	\$ 10,129*	\$ 659	\$ 1,371

*—Indicates debit item or deficit.

STATISTICS OF BOAT LINE COMPANIES—CALENDAR YEAR 1937
WATER TRANSPORTATION COMPANIES OPERATED WITHIN THE STATE OF FLORIDA

NAME OF COMPANY	BUSINESS ADDRESS	TERRITORY IN GENERAL
Agwlines, Inc.....	Pier 34 North River, New York, N.Y.	Operates ocean going steamers out of Boston, New York, Charleston, Jacksonville, Key West, Miami, Tampa, New Orleans and Galveston.
Brown Motor Freight & Boat Lines, Inc.(1).....	Foot of Newnan Street, Jacksonville, Florida	Operated Jacksonville to Daytona, Cocoa, Melbourne and Vero Beach, Florida.
Kinzie Brothers Steamer Line.....	Ft. Myers, Florida.	Operates Fort Myers to Sanibel, Fort Denaud, Alva and Punta Rassa, Florida.
Pensacola, St. Andrews & Gulf Steamship Company(2)	Pensacola, Florida.	Operated steamer between Pensacola, Panama City, Carrabelle and Apa- lachicola, Florida, and Mobile, Alabama.
St. Johns River Line Company.....	10 South Newnan Street, Jacksonville, Florida.	Operates between Jacksonville and Sanford, Florida, on St. Johns River daily except Sunday tri-weekly between Jacksonville and Brunswick, Georgia, and occasional trips between Jacksonville, Daytona and Miami, Florida.
Suwannee Steamship Company.....	c-o Winn & Lovett Grocery, Jacksonville, Florida.	Operates between Jacksonville and Sanford, Florida, on St. Johns River.

- (1) Discontinued operations September, 1937.
(2) Discontinued operations September 1, 1937.

**Telegraph-Cable
Companies**

STATISTICS OF TELEGRAPH-CABLE COMPANIES—
CALENDAR YEAR 1937
GENERAL BALANCE SHEET—ENTIRE COMPANY

ASSETS	Western Union Telegraph Company	Postal Telegraph-Cable Company
Investment in plant and equipment.....	\$ 332,041,396.85	\$ 50,000.00
Construction work in progress.....	5,205,024.41	
Investment securities.....	12,736,017.24	
Long-term advances receivable.....	1,180,000.00	
Miscellaneous investments.....	110,648.99	
Working assets and accrued income.....	23,584,196.01	516,482.71
Deferred debit items.....	1,521,600.43	
Grand Total.....	\$ 376,378,883.93	\$ 566,482.71
LIABILITIES		
Capital stock.....	\$104,527,779.16	\$ 50,000.00
Capital stock of subsidiary companies.....	1,751,500.00	
Premiums on capital stock.....	1,163,350.00	
Funded debt.....	91,091,000.00	
Working and accrued liabilities.....	12,259,974.71	2,903,580.92
Deferred credit items.....	89,099,535.99	
Appropriated surplus.....	1,258,407.40	
Profit and loss.....	75,227,336.67	*2,387,098.21
Grand Total.....	\$ 376,378,883.93	\$ 566,482.71

*—Indicates debit item or deficit.

STATISTICS OF TELEGRAPH-CABLE COMPANIES—
CALENDAR YEAR 1937
PROFIT AND LOSS ACCOUNT—ENTIRE COMPANY

ITEMS	Western Union Telegraph Company	Postal Telegraph-Cable Company
Credit balance at beginning of year.....	\$ 103,589,226.84	\$
Credit balance transferred from income.....	3,325,768.96	
Miscellaneous credits.....	9,917.13	
Debit balance transferred to balance sheet.....		2,387,098.21
Total credits.....	\$ 106,924,912.93	\$ 2,387,098.21
Debit balance at beginning of year.....	\$	\$ 1,875,622.04
Debit balance transferred from income.....		511,476.17
Dividend appropriations of surplus.....	1,567,551.75	
Miscellaneous appropriations of surplus.....	30,050,000.00	
Miscellaneous debits.....	80,024.51	
Credit balance transferred to balance sheet.....	75,227,336.67	
Total debits.....	\$ 106,924,912.93	\$ 2,387,098.21

STATISTICS OF TELEGRAPH-CABLE COMPANIES—
CALENDAR YEAR 1937
INCOME ACCOUNT—ENTIRE COMPANY

I T E M S	Western Union Telegraph Company	Postal Telegraph-Cable Company
Telegraph and cable operating revenues.....	\$ 100,482,883.61	\$ 3,001,741.41
Telegraph and cable operating expenses.....	85,630,795.19	2,946,757.08
Net telegraph and cable operating revenues.....	\$ 14,852,088.42	\$ 54,984.33
Uncollectible operating revenues.....	387,825.00	7,253.20
Taxes assignable to operations.....	5,382,244.33	178,617.27
Operating income.....	\$ 9,082,019.09	\$ *130,886.14
NONOPERATING INCOME		
Income from lease of plant.....	\$ 78,272.52	\$
Miscellaneous rent income.....	11,304.68	.....
Dividend income.....	1,110,239.57	.....
Interest income.....	394,009.76	.....
Nonoperating income.....	\$ 1,593,826.53	\$
Gross income.....	\$ 10,675,845.62	\$ *130,886.14
DEDUCTIONS FROM GROSS INCOME		
Rent for lease of plant.....	\$ 2,589,858.28	\$
Miscellaneous rents.....	365,158.87	27,560.39
Interest on funded debt.....	4,393,989.75	.....
Other interest deductions.....	1,069.76	353,029.64
Total deductions from gross income.....	\$ 7,350,076.66	\$ 380,590.03
Net income transferred to profit and loss.....	\$ 3,325,768.96	\$ *511,476.17

*—Indicates debit item or deficit.

STATISTICS OF TELEGRAPH-CABLE COMPANIES—CALENDAR YEAR 1937
OPERATING REVENUES AND EXPENSES, ENTIRE COMPANY AND STATE OF FLORIDA

I T E M S	WESTERN UNION TELEGRAPH COMPANY			
	Entire Company	STATE OF FLORIDA		
		Intrastate	Interstate	Total
OPERATING REVENUES				
Revenues from transmission—telegraph.....	\$86,249,056.63	\$ 674,739.35	\$ 1,841,253.31	\$ 2,515,992.66
Revenues from transmissions—cable.....	6,826,519.10			
Operations other than transmission.....	8,958,450.55	95,735.77	86,565.03	182,300.80
Contract payments to transportation companies.....	1,551,142.67	1,237.86	2,144.29	3,382.15
Total operating revenues.....	\$100,482,883.61	\$ 769,237.26	\$ 1,925,674.05	\$ 2,694,911.31
OPERATING EXPENSES				
Maintenance expenses.....	\$18,152,306.98	\$.....	\$.....	\$ 532,035.59
Conducting operations.....	63,085,480.76			1,663,032.63
General and miscellaneous expenses.....	4,393,007.45			119,132.11
Total operating expenses.....	\$85,630,795.19	\$.....	\$.....	\$ 2,314,200.33
Ratio of operating expenses to revenue—per cent.....	85.22			85.87

NOTE: Record are not kept separately by state. Revenues represent collections made in State.

NOTE: Florida expenses represent expenses at offices within the State plus assignments of certain expenses upon company formulae.

STATISTICS OF TELEGRAPH-CABLE COMPANIES—CALENDAR YEAR 1937
OPERATING REVENUES AND EXPENSES, ENTIRE COMPANY AND STATE OF FLORIDA

I T E M S	POSTAL TELEGRAPH-CABLE COMPANY			
	Entire Company	STATE OF FLORIDA		
		Intrastate	Interstate	Total
OPERATING REVENUES				
Revenues from transmission—telegraph.....	\$ 2,811,904.23	\$ 168,465.50	\$ 451,233.51	\$ 619,699.01
Operations other than transmission.....	189,837.18	28,592.65	10,421.34	39,013.99
Total operating revenues.....	\$ 3,001,741.41	\$ 197,058.15	\$ 461,654.85	\$ 658,713.00
OPERATING EXPENSES				
Maintenance expenses.....	\$ 613,647.80	\$	\$	\$ 133,040.16
Conducting operations.....	2,202,741.41	.....	.....	482,252.37
General and miscellaneous expenses.....	130,367.87	.....	.....	28,887.25
Total operating expenses.....	\$ 2,946,757.08	\$	\$	\$ 644,179.78
Ratio of operating expenses to revenue—per cent.....	98.17	.....	.....	97.79

NOTE: Interstate revenues in State represent receipts or collections on interstate messages made in the State of Florida. The revenue from interstate messages, etc., is not apportioned to states but is assigned to the State in which paid or collected.

NOTE: System expenses are allocated under agreement dated January 1, 1931, between this company and associated companies. Florida expenses are allocated and assigned upon company formula.

Telephone Companies

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1937

NAME OF COMPANY, BUSINESS ADDRESS, EXCHANGES AND SUBSCRIBER'S STATIONS IN OPERATION— ALL COMPANIES

NAME OF COMPANY	BUSINESS ADDRESS	EXCHANGES	Exchange	Rural	Extension	Farmer	P. B. X. and Intercon.	Total
Callahan Telephone Company.....	Callahan, Fla.....	Callahan.....	46	2	1			49
		Hilliard.....	10	12				22
Clewiston Telephone Co.....	Clewiston, Fla.....	Clewiston.....	88	14	11			113
Cortondale Telephone Co.....	Cortondale, Fla.....	Cortondale.....	44					44
Florida Telephone Corporation.....	Leesburg, Fla.....	Alachua.....	50	4	7	11		72
		Apopka.....	92	35	19		40	186
		Bushnell.....	32	8	1			41
		Clermont.....	83	14	4			101
		Crescent City.....	108	12	8			128
		Crystal River.....	32		2			34
		Dade City.....	137	65	17			219
		Eustis.....	262	41	40			343
		Groveland.....	35		5			40
		Hastings.....	40	67	12			119
		High Springs.....	73			4		77
		Inverness.....	72	2	3			77
		Jasper.....	65		1			66
		Kissimmee.....	202	6	21			229
		Lake Butler.....	22	5		11		38
		Leesburg.....	515	90	77		8	690
		Live Oak.....	313	4	22		18	357
		Mayo.....	33					33
		Mount Dora.....	182	35	20			237
		Ocala.....	1,000	161	194	12	192	1,559
		St. Cloud.....	47		4	1		52
		Tavares.....	107	7	24		8	146
		Umatilla.....	69	12	5		5	91
		White Springs.....	12					12
		Wildwood.....	25	9	1	4		39
		Williston.....	65	2	3	8		78
		Winter Garden.....	182	79	28			289
Gulf Telephone Company.....	Perry, Fla.....	Perry.....	255	28	14	20	60	377
Hampton Telephone Co.....	Hampton, Fla.....	Hampton.....	3	14		2		19

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1937

NAME OF COMPANY, BUSINESS ADDRESS, EXCHANGE AND SUBSCRIBER'S STATIONS IN OPERATION—
ALL COMPANIES

NAME OF COMPANY	BUSINESS ADDRESS	EXCHANGES	Exchange	Rural	Extension	Farmer	P. B. X. and Intercon.	Total
Inter-County Telephone Co.	Ft. Myers, Fla.	Arcadia	298	25	51		108	482
		Avon Park	180	36	29		199	444
		Bowling Green	12	2				14
		Boca Grande	53		20		400	473
		Everglades	42	5	11			58
		Fort Meade	111	7	6	3		127
		Fort Myers	855		153		464	1,472
		LaBelle	29	7	1			37
		Lake Placid	33		6		30	69
		Moore Haven	36	3	2			41
		Naples	48		8			56
		Okeechobee	95	2	3		60	160
		Punta Gorda	168		18		246	432
		Sebring	240		42	3	514	799
		Wauchula	197		23			220
		Maccleenny	35	4	1			40
		McIntosh	38	34				72
		Malone	12					12
		Milton	116	44	16	13		189
		Moline	13	2				15
		Orange City	45		2			47
		Auburndale	112		20			132
Maccleenny Telephone Co.	Maccleenny, Fla.	Bartow	693	152			20	865
		Bradenton	1,631		255		400	2,286
		Clearwater	1,615		362		1,149	3,126
		Frost Proof	177		14		15	206
		Gulf Beaches	130	33	18		312	493
		Haines City	384		68		58	510
		Lakeland	2,491		403		468	3,362
		Lake Wales	653		170		184	1,007
		Largo	169		16			185
		Mulberry	123		12			135
		New Port Richey	86		4			90
McIntosh Telephone Co.	McIntosh, Fla.	McIntosh						
		Malone						
Malone Telephone Company	Malone, Fla.	Malone						
		Milton						
Milton Telephone Co.	Milton, Fla.	Milton						
		Moline						
Moline Telephone Co.	Moline, Fla.	Moline						
		Orange City						
Orange Telephone Co.	Orange City, Fla.	Orange City						
		Auburndale						
Peninsular Telephone Co.	Tampa, Fla.	Tampa						
		New Port Richey						

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1937

NAME OF COMPANY, BUSINESS ADDRESS, EXCHANGE AND SUBSCRIBER'S STATIONS IN OPERATION—
ALL COMPANIES

NAME OF COMPANY	BUSINESS ADDRESS	EXCHANGES	Exchange	Rural	Extension	Farmer	P.B.X. and Intercon.	Total
		Plant City.....	715	2	95		93	905
		St. Petersburg.....	7,251		1,142		3,928	12,321
		Sarasota.....	1,670		280		566	2,516
		Tampa.....	13,829	108	2,501		3,111	19,549
		Tarpon Springs.....	351		44		18	413
		Venice.....	151		13		35	199
		Winter Haven.....	1,084		218		132	1,434
Quincy Telephone Co.....	Quincy, Fla.....	Quincy.....	515	101	81			697
Riverside Telephone Co.....	Blountstown, Fla.....	Blountstown.....	77	6	5			88
		Wewahitcha.....	6					6
St. Joseph Tel. & Tel. Co.....	Port St. Joe, Fla.....	Apalachicola.....	71	3	2			76
		Port St. Joe.....	79		7			86
		River Junction.....	92		5			97
Seymour Telephone Co.....	Sneeds, Fla.....	Sneeds.....	25					25
Southeastern Telephone Co.....	Savanna, Ill.....	Bonifay.....	86		1			87
		Crestview.....	63		4			67
		DeFuniak Springs.....	241	3	20	12		276
		Greenville.....	16	5				21
		Madison.....	207	10	8	23		248
		Monticello.....	166	25	8			199
		Ponce de Leon.....	13	1		2		16
		Tallahassee.....	2,222	120	350		430	3,122
		Valparaiso.....	23	6				29
Southern Bell Tel. & Tel. Co.....	Atlanta, Ga.....	Baldwin.....	16		1			17
		Belle Glade.....	102		16			118
		Boynton.....	41		7			48
		Brooksville.....	240		17	5	48	310
		Bunnell.....	51		2			53
		Cedar Key.....	19					19
		Chipley.....	198		16	3		217
		Cocoa.....	332		38		187	557
		Cross City.....	68		8	4		80
		Daytona Beach.....	2,665		480	5	1,586	4,736

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1937

NAME OF COMPANY, BUSINESS ADDRESS, EXCHANGE AND SUBSCRIBER'S STATIONS IN OPERATION—
ALL COMPANIES

NAME OF COMPANY	BUSINESS ADDRESS	EXCHANGES	Exchange	Rural	Extension	Farmer	P. B. X. and Intercon.	Total
		DeLand.....	786	-----	167	-----	326	1,279
		Delray Beach.....	244	-----	57	-----	708	1,009
		Dunnellon.....	70	-----	3	-----	-----	73
		Eau Gallie.....	33	-----	3	-----	68	104
		Fernandina.....	234	-----	25	-----	24	283
		Ft. Lauderdale.....	1,246	-----	213	-----	605	2,064
		Ft. Pierce.....	627	1	107	-----	190	925
		Gainesville.....	1,688	-----	247	2	415	2,352
		Geneva.....	27	-----	2	-----	-----	29
		Graceville.....	68	-----	3	-----	-----	71
		Green Cove Springs.....	70	7	11	-----	-----	88
		Havana.....	82	-----	2	-----	-----	84
		Hawthorne.....	31	-----	4	-----	-----	35
		Hobe Sound.....	72	-----	34	-----	100	206
		Hollywood.....	477	-----	80	-----	687	1,244
		Homestead.....	156	75	31	-----	-----	262
		Jacksonville.....	18,017	1	3,564	15	4,945	26,542
		Jacksonville Beach.....	306	-----	19	-----	150	475
		Jensen.....	28	-----	1	-----	-----	29
		Kelsey City.....	46	-----	5	-----	17	68
		Key West.....	596	-----	88	-----	261	945
		Lake City.....	460	-----	34	17	158	669
		Lake Worth.....	347	3	34	-----	227	611
		Lynn Haven.....	58	-----	2	-----	-----	60
		Melbourne.....	142	-----	9	6	124	281
		Miami.....	23,598	-----	5,661	-----	20,559	49,818
		Micanopy.....	28	-----	1	-----	-----	29
		New Smyrna.....	290	-----	45	4	56	395
		Orange Park.....	32	-----	5	-----	-----	37
		Orlando.....	4,617	-----	1,067	26	1,559	7,269
		Oviedo.....	47	6	2	-----	-----	55
		Pahokee.....	163	-----	29	-----	-----	192
		Palatka.....	582	15	87	9	119	812

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1937
NAME OF COMPANY, BUSINESS ADDRESS, EXCHANGE AND SUBSCRIBER'S STATIONS IN OPERATION—
ALL COMPANIES

NAME OF COMPANY	BUSINESS ADDRESS	EXCHANGES	Exchange	Rural	Extension	Farmer	P. B. X. and Intercon.	Total
		Panama City.....	837		109		174	1,120
		Pensacola.....	3,649		527	5	511	4,692
		Pompano.....	93		6		78	177
		St. Augustine.....	1,591		228	13	692	2,524
		Sanford.....	1,087		165	3	120	1,375
		Stuart.....	161	1	30		79	271
		Titusville.....	130		10			140
		Vero Beach.....	309		30		103	442
		West Palm Beach.....	4,435		1,740		3,950	10,125
Starke Telephone Co.....	Starke, Fla.....	Starke.....	99		5	6		110
West Florida Tel. & Tel. Co.....	Marianna, Fla.....	Marianna.....	340		29		79	448
West Putnam Telephone Co.....	Interlachen, Fla.....	Interlachen.....	8	35				43
Winter Park Telephone Co.....	Winter Park, Fla.....	Winter Park.....	818	7	202		163	1,190
Total.....			116,719	1,637	22,370	252	52,339	193,317

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1937
GENERAL BALANCE SHEET—CLASS "A", "B" AND "C"—ENTIRE COMPANY

NAME OF COMPANY	ASSETS							
	Telephone Plant	Investments in Affiliated Companies	Other Investments	Miscellaneous Physical Property	Sinking Funds	Current Assets	Deferred Debits	Total
Florida Telephone Corporation.....	\$ 1,017,824.25	\$-----	\$ 370,000.00	\$-----	\$-----	\$ 90,289.71	\$ 53,203.92	\$ 1,531,317.88
Gulf Telephone Company.....	40,617.46	-----	-----	-----	-----	767.75	-----	41,385.21
Inter County Telephone & Telegraph Co. -	1,965,423.45	-----	-----	-----	-----	45,242.62	2,101.86	2,012,767.93
Milton Telephone Exchange.....	37,574.93	-----	860.00	-----	-----	14,654.34	-----	53,089.27
Peninsular Telephone Company.....	11,310,968.73	-----	5,936.00	195,482.97	-----	1,250,938.28	643,089.38	13,406,415.36
Quincy Telephone Company, Inc.....	104,173.06	-----	-----	-----	-----	18,597.43	-----	122,770.49
St. Joseph Telephone & Telegraph Co.....	79,120.67	-----	-----	-----	-----	38,605.84	1,362.53	119,089.04
Southeastern Telephone Company.....	688,831.83	-----	-----	-----	-----	159,650.25	13,807.82	862,289.90
Southern Bell Telephone & Telegraph Co..	251,639,173.46	836,717.47	1,530,066.64	1,551,541.96	1,481,775.00	12,669,226.42	3,535,639.72	273,244,140.67
West Florida Telephone & Telegraph Co..	52,439.50	-----	-----	-----	-----	2,737.21	-----	55,176.71
Winter Park Telephone Company.....	210,878.56	13,500.00	-----	-----	-----	18,836.51	1,381.79	244,596.86
Total.....	\$267,147,025.90	\$ 850,217.47	\$1,906,862.64	\$1,747,024.93	\$1,481,775.00	\$14,309,546.36	\$4,250,587.02	\$291,693,039.32

NAME OF COMPANY	LIABILITIES								
	Stock	Long-term Debt	Current Liabilities	Accrued Liabilities Not Due	Deferred Credits and Reserves	Donations	Surplus Reserved	Unappropriated Surplus	Total
Florida Telephone Corporation	\$ 512,050.00	\$ 757,450.00	\$ 29,997.96	\$ 54,287.10	\$ 133,054.80	\$-----	\$-----	\$ 44,478.02	\$ 1,531,317.88
Gulf Telephone Company.....	10,000.00	-----	8,815.67	-----	21,074.00	-----	-----	1,495.54	41,385.21
Inter County Telephone & Telegraph Company.....	450,000.00	1,182,363.99	53,506.35	31,646.49	364,899.86	-----	-----	69,648.76*	2,102,767.93
Milton Telephone Exchange.....	13,682.00	-----	600.90	873.07	19,160.23	-----	-----	18,773.07	53,089.27
Peninsular Telephone Co.....	5,193,262.27	3,898,000.00	137,220.62	232,740.25	3,437,651.30	33,220.04	176,851.61	297,469.27	13,406,415.36
Quincy Telephone Co., Inc.....	55,500.00	10,000.00	9,990.97	1,259.78	36,137.10	-----	-----	9,882.64	122,770.49
St. Joseph Telephone and Telegraph Co.....	50,000.00	-----	4,516.73	312.17	41,217.50	-----	-----	23,042.64	119,089.04
Southeastern Telephone Co.....	200,000.00	388,000.00	48,347.20	13,978.57	174,277.80	5,312.81	-----	32,373.52	862,289.90
Southern Bell Telephone and Telegraph Co.....	124,999,000.00	74,943,525.00	7,216,620.96	3,391,778.11	59,971,497.72	-----	-----	2,721,718.88	273,244,140.67
West Florida Telephone and Telegraph Co.....	20,000.00	-----	-----	553.31	27,393.59	-----	-----	7,229.81	55,176.71
Winter Park Telephone Co.....	39,500.00	117,900.00	24,662.38	3,156.00	46,939.97	962.84	-----	11,475.67	244,596.86
Total.....	\$131,542,994.27	\$81,297,238.99	\$7,534,279.74	\$3,730,584.85	\$64,273,303.87	\$39,495.69	\$176,851.61	\$3,098,290.30	\$291,693,039.32

*-Asterisk indicates debit item or deficit.

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1937
INCOME STATEMENT—CLASS "A", "B" AND "C" COMPANIES

NAME OF COMPANY	Telephone Operating Revenues	Telephone Operating Expenses	Net Telephone Operating Revenues	Rent for Lease of Operating Property	Operating Taxes	Net Operating Income	Other Income	Miscellaneous Deductions from Income
Florida Telephone Corporation.....	\$ 275,025.11	\$ 170,587.74	\$ 104,437.37	-----	\$ 36,814.20	\$ 67,623.17	\$ 14,400.00	\$ 231.58
Gulf Telephone Company.....	10,235.06	10,110.27	124.79	-----	608.56	483.77*	-----	-----
Inter County Telephone & Telegraph Company..	203,851.31	142,323.30	61,528.01	-----	14,143.97	47,384.04	-----	-----
Milton Telephone Exchange.....	11,177.12	8,519.61	2,657.51	-----	1,352.41	1,305.10	-----	-----
Peninsular Telephone Company.....	2,251,201.95	1,247,286.87	1,003,915.08	-----	283,842.08	720,073.00	3,351.10	21,362.28
Quincy Telephone Company, Inc.....	25,918.11	22,265.55	3,652.56	\$ 1,140.00	1,762.84	749.72	918.72	-----
St. Joseph Telephone & Telegraph Company.....	23,759.20	17,446.50	6,312.70	-----	1,262.88	5,049.82	-----	-----
Southeastern Telephone Company.....	178,754.06	118,644.56	60,109.50	-----	15,656.10	44,453.40	1,782.99	-----
Southern Bell Telephone & Telegraph Company..	62,391,224.46	41,461,165.93	20,930,058.53	-----	7,894,583.19	13,035,475.34	259,497.45	86,268.88
West Florida Telephone & Telegraph Company..	20,206.81	14,595.71	5,611.10	-----	1,572.96	4,038.14	-----	-----
Winter Park Telephone Company.....	43,369.95	28,191.11	15,178.84	-----	3,733.96	11,444.88	-----	-----
Total.....	\$65,434,723.14	\$43,241,137.15	\$22,193,585.99	\$ 1,140.00	\$8,255,333.15	\$13,937,112.84	\$ 279,950.26	\$ 107,862.74

NAME OF COMPANY	Income Available for Fixed Charges	Fixed Charges	Net Income	Dividend Appropriations	Income Balance
Florida Telephone Corporation.....	\$ 81,791.59	\$ 52,112.34	\$ 29,679.25	-----	\$ 29,679.25
Gulf Telephone Company.....	483.77*	416.53	900.30*	-----	900.30*
Inter County Telephone & Telegraph Company.....	47,384.04	53,177.29	5,793.25*	-----	5,793.25*
Milton Telephone Exchange.....	1,305.10	-----	1,305.10	-----	1,305.10
Peninsular Telephone Company.....	702,061.82	176,862.75	525,199.07	171,500.00	353,699.07
Quincy Telephone Company, Inc.....	1,668.44	1,180.46	487.98	-----	487.98
St. Joseph Telephone & Telegraph Company.....	5,049.82	-----	5,049.82	-----	5,049.82
Southeastern Telephone Company.....	46,236.39	15,408.78	30,827.61	-----	30,827.61
Southern Bell Telephone & Telegraph Company.....	13,208,703.91	3,220,856.01	9,987,847.90	9,987,847.90	-----
West Florida Telephone & Telegraph Company.....	4,038.14	-----	4,038.14	3,000.00	1,038.14
Winter Park Telephone Company.....	11,444.88	7,520.32	3,924.56	-----	3,924.56
Total.....	\$14,109,200.36	\$3,527,534.48	\$10,581,665.88	\$10,162,347.90	\$ 419,317.98

*-Indicates debit item or deficit.

STATISTICS OF TELEPHONE COMPANIES—CALENDAR YEAR 1937
INCOME ACCOUNT—CLASS "C" COMPANIES

NAME OF COMPANY	Total Operating Revenue	Total Operating Expenses	Taxes	Miscellaneous Income	Interest and Miscellaneous Deductions	Net Income
Callahan Telephone & Telegraph Company.....	\$ 1,278.00	\$ 1,551.40	\$ 29.00			\$ 302.40*
Clewiston Telephone Company.....	4,673.23	6,710.35	235.83	\$ 480.00	\$ 720.00	2,512.95*
Cortondale Telephone Company.....	1,690.00	1,769.00	94.10			173.10*
Hampton Telephone Company.....	834.17	884.18	16.94		9.00	75.95*
Macclenny Telephone Company.....	1,563.20	1,292.27	103.13			167.80
McIntosh Telephone Company.....	5,214.32	4,898.29	172.42		370.90	227.29*
Malone Telephone Company.....	150.00	150.00	6.50			6.50*
Molino Telephone Company.....	495.53	445.90	10.98			38.65
Orange City Telephone Company.....	1,653.97	1,859.82	101.09			306.94*
Riverside Telephone Company.....	7,263.81	6,875.00	277.95		811.42	700.56*
Seymour Telephone Company.....	758.50	720.00	9.72			28.78
Starke Telephone Company.....	4,875.71	4,590.46	275.60		520.00	510.35*
West Putnam Telephone Company.....	1,266.18	1,424.33	38.08			196.23*
Total.....	\$ 31,716.62	\$ 33,171.00	\$ 1,371.34	\$ 480.00	\$ 2,431.32	\$ 4,777.04*

*—Indicates deficit.

**Auto Transportation
Companies**

**STATISTICS OF AUTO TRANSPORTATION COMPANIES
COMPANY OR INDIVIDUAL OPERATING LESS THAN THE
FULL CALENDAR YEAR 1937**

NAME OF COMPANY OR INDIVIDUAL	FROM	TO
BUS OPERATION		
Fort Myers Transit Company.....	May 7,	December 31,

**COMPANY OR INDIVIDUAL SUBMITTING ANNUAL
REPORT FOR CALENDAR YEAR 1936 BUT NOT
FOR 1937 AND REASONS FOR SUCH NON-
SUBMITTAL IN 1937**

NAME OF COMPANY OR INDIVIDUAL	REASONS
BUS OPERATIONS	
Ader Coah Lines.....	Certificate transferred to Georgia Stages, Inc., Order No. 956
Atlantic Greyhound Lines.....	Absorbed by Atlantic Greyhound Corporation
Bainbridge-Columbus Motor Lines.....	Certificate transferred to Ader Coach Lines, Order No. 858
Coleman Motor Lines.....	Certificate transferred to Georgia Stages, Inc., Order No. 993
East Coast Stages, Inc.....	Absorbed by Atlantic Greyhound Corporation
Florida Motor Lines, Inc.....	Absorbed by Florida Motor Lines Corporation
Seminole Coach Line.....	Certificate revoked and no annual report required.
TRUCK OPERATIONS	
Griffis Truck Line.....	Certificate transferred to Tamiami Trail Tours, Inc., Order No. 1038

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1937
GENERAL BALANCE SHEET—ENTIRE LINE

NAME OF COMPANY OR OPERATOR	ASSETS							
	Plant and Equipment	Investments	Reacquired Securities	Special Deposits	Current Assets	Prepayments	Deferred Charges	Grand Total
TRUCK OPERATIONS—COMMON CARRIER								
Acme Freight Lines, Inc.	\$ 56,015.76	\$	\$	\$16,700.69	\$21,763.72	\$ 9,458.36	\$ 518.00	\$104,456.53
Akins, W. L., Transportation Company, Inc.					7,056.34	75.00		7,131.34
Bee Line Transfer	1,138.51				1,103.32	1,162.09		19,403.92
Brown's Motor Freight & Boat Lines, Inc.	8,523.50	15,590.11	5,855.78		1,045.03	75.00		31,089.42
C. & H. Transfer Company	18,678.80				207.21	75.00		18,961.01
Central Truck Lines, Inc.	148,124.07				37,845.97	1,270.26		187,240.30
Chastain Transfer Line	858.00					56.73		914.73
Elliott-Young Consolidated, Inc.	29,097.87		7,500.00	379.09	3,889.29	2,213.09		43,079.34
Five Transportation Company	77,675.83				8,374.69	1,845.00		87,895.52
Fogarty Brothers Transfer, Inc.	35,007.16	7,565.60			4,051.61	1,904.20		48,528.57
Great Southern Trucking Company	152,688.87			280.00	22,870.02	25,947.80		201,786.69
Green Brothers Transfer Company	7,837.75				1,133.67	106.38		9,077.80
Highway Transportation Company	1,183.87				74.44	240.95		1,499.26
Hunt Truck Lines	17,567.16	5,030.00		1,000.00	*337.47	707.14		23,966.83
Independent Transfer Company	2,844.50			100.00	3,193.88	475.74		6,614.12
K. & L. Transportation Company, Inc.	76,078.35	2,100.00		1,059.21	24,542.29	484.73		104,264.58
L. & L. Freight Lines, Inc.	77,220.71				28,333.73	2,954.67	1,055.18	109,564.29
Marshall Transfer Company	3,508.00				833.43	130.00		4,471.43
Mathews Truck Line	3,611.50				1,000.00	353.22		4,964.72
Overseas Transportation Company, Inc.	12,250.91				5,927.98			18,178.89
Peters Truck Line	947.00				3,808.10	110.00		4,865.10
Pittman Truck Line	4,683.26				265.26	155.63		5,104.15
St. Johns River Line Company	65,032.74	206,661.09			40,341.28	2,895.11	2,010.00	316,940.22
Star Truck Line, Inc.	30,148.77				544.17	1,752.72		32,445.66
Tarpon Truck Line	1,478.00	4,500.00			5,021.69	131.43		11,131.12
Union Express Freight Company, Inc.	18,119.25			75.00	770.80	420.24		19,385.29
Walters Truck Line	1,855.09					77.00		1,932.09
Total Truck Operations—Common Carrier	\$ 868,175.23	\$241,446.80	\$13,355.78	\$19,593.99	\$223,660.45	\$55,077.49	\$ 3,583.18	\$1,424,892.92

Asterisk indicates debit item or deficit

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1937
GENERAL BALANCE SHEET—ENTIRE LINE

NAME OF COMPANY OR OPERATOR-COMMON CARRIER	A S S E T S						
	Plant and Equipment	Investments	Special Deposits	Current Assets	Prepay-ments	Deferred Charges	Grand Total
BUS OPERATIONS-COMMON CARRIERS							
Atlantic Greyhound Corporation.....	\$6,366,231.04	\$222,255.50	\$ 2,590.00	\$ 765,827.82	\$122,273.59	\$.....	\$ 7,479,177.95
Florida Motor Lines Corporation.....	1,731,218.42	57,941.88	418.00	161,145.75	18,726.48	23,866.85	1,993,317.38
Fort Myers Transit Company.....	4,414.15	.....	.....	19.10	750.00	.....	5,183.25
Georgia Stages, Inc.....	185,692.20	.....	109.00	62,641.76	5,646.64	5,797.37	259,886.97
Glades "K" Motor Lines.....	7,024.45	.....	.....	1,130.75	356.64	.....	8,511.84
Gulf Coast Motor Line, Inc.....	4,000.00	.....	.....	5,479.29	75.00	.....	9,554.29
Gulf Crescent Motor Lines, Inc.....	.....	.....	.....	4,827.22	75.00	.....	4,902.22
Lee Coach Line.....	17,411.72	.....	25.00	5,081.87	2,164.63	.....	24,683.22
Monroeville Bus Company, Inc.....	13,819.48	.....	.....	2,785.38	415.50	.....	17,020.36
Pass-a-Grille Beach Bus Line.....	8,626.45	.....	.....	.....	75.00	.....	8,701.45
Rook's Coach Line.....	515.86	.....	.....	.....	135.00	70.00	720.86
Southeastern Greyhound Lines, Inc.....	452,939.35	54,909.55	75.00	99,175.57	.....	11,000.47	618,099.94
Southern Tours, Inc.....	28,656.76	.....	85.00	610.67	1,111.36	.....	30,463.79
Tallahassee-Monticello Bus Line.....	819.96	.....	.....	.....	83.51	.....	903.47
Union Bus Company.....	580,720.51	29,022.65	275.00	311,630.63	2,032.60	17,270.20	940,951.59
Total Bus Operations—Common Carrier.....	\$9,402,090.35	\$364,129.58	\$ 3,577.00	\$1,420,355.81	\$153,920.95	\$ 58,004.89	\$11,402,078.58
COMBINED BUS AND TRUCK OPERATIONS							
Green's Taxi & Baggage Transfer.....	\$ 1,450.00	\$ 762.45	\$.....	\$.....	\$ 96.50	\$.....	\$ 2,308.95
McJunkin, Wayne F.....	18,817.87	.....	.....	128.46	1,682.22	.....	20,628.55
St. Andrews Bay Transportation Company.....	35,241.69	.....	.....	7,438.23	1,153.38	327.57	44,160.87
Tamiami Trail Tours, Inc.....	279,438.37	60.00	170.00	32,849.85	3,493.38	17,741.80	333,753.40
Teche Lines, Incorporated.....	1,539,515.69	8,147.97	2,293.19	231,143.81	29,917.17	59,197.68	1,870,215.51
University City Transfer Company, Inc.....	18,558.58	1,000.00	.....	3,846.39	786.00	.....	24,190.97
Total Combined Bus and Truck Operations—Common Carrier.....	\$1,893,022.20	\$ 9,970.42	\$ 2,463.19	\$ 275,406.74	\$ 37,128.65	\$ 77,267.05	\$ 2,295,258.25

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1937
GENERAL BALANCE SHEET—ENTIRE LINE

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FORTY-SECOND ANNUAL REPORT

NAME OF COMPANY OR OPERATOR	LIABILITIES								
	Corporate Capital Liabilities	Non Corporate Proprietor- ship	Funded Debt	Current Liabilities	Accrued Liabilities	Deferred Credits	Reserve Accounts	Corporate Surplus	Grand Total
TRUCK OPERATIONS— COMMON CARRIER									
Acme Freight Lines, Inc.	\$ 23,925.00	\$	\$ 2,315.02	\$ 50,756.21	\$ 1,151.56	\$ 1,000.00	\$ 24,835.27	\$ 473.47	\$ 104,456.53
Akins, W. L., Transportation Co., Inc.	5,000.00	.....	.....	1,616.82	.....	.....	.....	514.52	7,131.34
Bee Line Transfer.....	.....	7,829.04	.....	1,613.33	128.48	.....	9,833.07	.....	19,403.92
Brown's Motor Freight & Boat Lines, Inc.	19,813.70	.....	.....	16,280.31	377.57	.....	12,167.97	*17,550.13	31,089.42
C. & H. Transfer Company.....	.....	8,751.08	.....	.....	615.74	.....	9,594.19	.....	18,961.01
Central Truck Lines, Inc.	81,000.00	.....	16,052.83	15,098.39	5,731.01	.....	68,998.08	359.99	187,240.30
Chastain Transfer Line.....	.....	569.67	.....	.....	1.50	.....	343.56	.....	914.73
Elliott-Young Consolidated, Inc.	15,000.00	.....	.....	11,440.02	2,647.82	.....	12,592.72	1,398.78	43,079.34
Five Transportation.....	.....	21,125.92	10,685.88	10,644.86	.....	.....	45,438.86	.....	87,895.52
Fogarty Brothers Transfer, Inc.	10,000.00	.....	.....	16,446.74	508.85	.....	22,203.07	*630.09	48,528.57
Great Southern Trucking Company.....	8,588.50	.....	.....	103,115.40	5,332.39	.....	58,420.86	26,329.54	201,786.69
Green Brothers Transfer.....	.....	4,041.69	1,984.00	.....	7.71	.....	3,044.40	.....	9,077.80
Highway Transportation.....	1,500.00	.....	.....	.....	.....	.....	540.00	*540.74	1,499.26
Hunt Truck Line.....	.....	8,583.30	673.95	6,886.74	223.83	.....	7,599.01	.....	23,966.83
Independent Transfer Co. ....	.....	*7,581.24	.....	11,874.57	287.67	.....	2,033.12	.....	6,614.12
K. & L. Transportation Company, Inc.	5,000.00	.....	.....	69,598.27	.....	.....	45,316.78	*15,650.47	104,264.58
L. & L. Freight Lines, Inc.	50,000.00	.....	2,864.13	54,995.23	2,371.56	466.11	22,324.75	*23,457.49	109,564.29
Marshall Transfer Company.....	.....	2,755.77	.....	.....	42.84	.....	1,672.82	.....	4,471.43
Mathews Truck Line.....	.....	2,040.52	.....	.....	.....	.....	2,924.20	.....	4,964.72
Overseas Transportation Company, Inc.	7,000.00	.....	.....	6,391.14	405.59	.....	5,188.20	*806.04	18,178.89
Peters Truck Line.....	.....	4,008.44	.....	541.00	.....	.....	315.66	.....	4,865.10
Pitman Truck Line.....	.....	753.66	1,344.90	1,114.40	106.14	.....	1,785.05	.....	5,104.15
St. Johns River Line Company.....	76,817.08	.....	40,267.86	49,306.45	13,425.52	.....	72,353.23	64,770.08	316,940.22
Star Truck Line, Inc.	12,755.89	.....	.....	11,514.50	902.37	.....	12,260.94	*4,988.04	32,445.66
Tarpon Truck Line.....	.....	10,673.37	.....	.....	.....	.....	457.75	.....	11,131.12
Union Express Freight Company Inc.	17,075.00	.....	3,103.53	6,364.27	105.00	.....	3,922.75	*11,185.26	19,385.29
Walters Truck Line.....	.....	1,363.05	432.00	.....	11.66	.....	125.38	.....	1,932.09
Total Truck Operations— Common Carrier.....	\$ 333,475.17	\$64,914.27	\$ 79,724.10	\$ 445,598.65	\$34,384.81	\$ 1,466.11	\$ 446,291.69	\$19,038.12	\$1,424,892.92

Asterisks indicate debit item or deficit.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1937

GENERAL BALANCE SHEET—ENTIRE COMPANY

NAME OF COMPANY OR OPERATOR	LIABILITIES								
	Corporate Capital Liabilities	Non-Corporate Proprietor- ship	Funded Debt	Current Liabilities	Accrued Liabilities	Deferred Credits	Reserve Accounts	Corporate Surplus	Grand Total
BUS OPERATIONS—COMMON CARRIERS									
Atlantic Greyhound Corporation	\$2,420,053.85	\$	\$	\$ 997,740.36	\$323,585.11	\$	\$1,596,395.25	\$2,141,403.38	\$7,479,177.95
Florida Motor Lines Corporation	683,220.00			332,992.70	67,575.11	16,078.32	569,267.81	324,183.44	1,993,317.38
Fort Myers Transit Company		3,849.10		876.40			457.75		5,183.25
Georgia Stages, Inc.	106,000.00		49,635.12	80,409.19	9,348.35		18,775.55	*4,281.24	259,886.97
Glades "K" Motor Lines		2,676.20	1,465.80	588.42	222.61		3,558.81		8,511.84
Gulf Coast Motor Line, Inc.	500.00						3,133.33	5,920.96	9,554.29
Gulf Crescent Motor Lines, Inc.	3,000.00			11,112.46	211.31			*9,421.55	4,902.22
Lee Coach Line		5,528.64	7,214.45	6,627.37	951.32		4,361.44		24,683.22
Monroeville Bus Company, Inc.	2,500.00		339.04	7,034.26			5,870.06	1,277.00	17,020.36
Pass-a-Grille Peach Bus Line				2,968.89			2,093.83	3,638.73	8,701.45
Rook's Coach Line		234.47		163.34	15.35		307.70		720.86
Southeastern Greyhound Lines, Inc.	330,711.84		73,902.35	198.50	20,900.74		70,127.84	122,258.67	618,099.94
Southern Tours, Inc.	2,400.00			37,275.37			23,350.10	*32,561.68	30,463.79
Tallahassee-Monticello Bus Line		31.95			102.51		769.01		903.47
Union Bus Company	500,000.00		92,553.84	2,951.29	70,048.19	200,142.50	136,739.10	*61,483.33	940,951.59
Total Bus Operations— Common Carrier	\$4,048,385.69	\$ 12,320.36	\$ 225,110.60	\$1,480,938.55	\$492,960.60	\$216,220.82	\$2,435,207.58	\$2,490,934.38	\$11,402,078.58
COMBINED BUS AND TRUCK OPERATIONS									
Green's Taxi & Baggage Transfer	\$	\$ 356.95	\$ 434.00	\$	\$	\$	\$ 1,518.00	\$	\$ 2,308.95
McJunkin, Wayne F.		7,486.85	6,372.03	3,523.45	92.70		3,153.52		20,628.55
St. Andrews Bay Transportation Co.	11,500.00		24,111.08	5,495.35	134.98	2,001.39	5,414.20	*4,496.13	44,160.87
Tamiami Trail Tours, Inc.	13,000.00		720,732.23	64,882.01	5,747.23	1,780.68	155,433.41	*627,822.16	333,753.40
Teche Lines, Inc.	178,995.00		279,333.32	258,223.36	140,612.73	4,950.00	444,518.68	563,582.42	1,870,215.51
University City Transfer Co., Inc.	7,000.00		886.12	2,061.60	355.47		15,930.98	*2,043.20	24,190.97
Total Combined Bus and Truck Operations—Common Carrier	\$ 210,495.00	\$ 7,843.80	\$1,031,868.78	\$ 334,185.77	\$146,943.11	\$ 8,732.07	\$ 625,968.79	\$*70,779.07	\$2,295,258.25

Asterisk indicates a debit item or deficit.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1937
PROFIT AND LOSS ACCOUNT—ENTIRE LINE

NAME OF COMPANY OR OPERATOR	Balance at Beginning of Period	Transferred from Income Account	Miscellaneous Credits	Miscellaneous Debits to P. & L. Account	Balance at Close of Period
TRUCK OPERATIONS—COMMON CARRIER					
Acme Freight Lines, Inc.	\$ 479.41	\$*2,869.29	\$ 4,017.52	\$ 1,154.17	\$ 473.47
Akins, W. L., Transportation Company, Inc.	*653.32		1,167.84		514.52
Bee Line Transfer		*363.61	167.92	*195.69	
Brown's Motor Freight & Boat Lines, Inc.	*7,395.13	*8,594.09	1,073.70	2,634.61	*17,550.13
C. & H. Transfer Company		8,606.40		8,606.40	
Central Truck Lines, Inc.	664.11	*1,635.53	1,331.41		359.99
Chastain Transfer Line		26.13		26.13	
Elliott-Young Consolidated, Inc.	1,384.41	430.25	400.09	815.97	1,398.78
Five Transportation Company		2,636.54		2,636.54	
Fogarty Brothers Transfer, Inc.	3,334.91	*3,940.98		24.02	*6,30.09
Great Southern Trucking Company	27,482.08	*67.69		1,084.85	26,329.54
Green Brothers Transfer Company		4,136.18	325.00	4,461.18	
Highway Transportation Company	*592.43	51.69			540.74
Hunt Truck Line		*982.37	250.07	*732.30	
Independent Transfer Company		3,950.36		3,950.36	
K. & L. Transportation Company, Inc.	*3,865.04	*11,785.43			*15,650.47
L. & L. Freight Lines, Inc.	9,353.06	*11,132.14	426.23	22,104.64	*23,457.49
Marshall Transfer Company		2,006.66		2,006.66	
Mathews Truck Line		1,779.51		1,779.51	
Overseas Transportation Company, Inc.	*552.08	*226.36	2.75	30.35	*806.04
Peters Truck Line		2,335.71		2,335.71	
Pittman Truck Line		870.92	208.56	1,079.48	
St. Johns River Line Company	72,939.99	658.93	106.00	8,934.84	64,770.08
Star Truck Line, Inc.	*392.50	*4,595.54			*4,988.04
Tarpon Truck Line		2,105.52		2,105.52	
Union Express Freight Company, Inc.	*11,625.70	440.44			*11,185.26
Walters Truck Line		*222.67		*222.67	
Total Truck Operations—Common Carrier	\$ 90,561.77	\$ *24,281.18	\$ 9,477.09	\$ 56,719.56	\$ 19,038.12

Asterisk indicates debit item or deficit.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1937
PROFIT AND LOSS ACCOUNT—ENTIRE LINE

NAME OF COMPANY OR OPERATOR	Balance at Beginning of Period	Transferred from Income Account	Miscellaneous Credits	Miscellaneous Debits to P. & L. Account	Balance at Close of Period
BUS OPERATIONS—COMMON CARRIER					
Atlantic Greyhound Corporation	\$ 1,825,380.23	\$ 856,582.69	\$ 2,096.22	\$ 606,368.00	\$ 2,077,691.14
Florida Motor Lines Corporation	247,291.40	245,704.69	1,992.35	170,805.00	324,183.44
Fort Myers Transit Company		*2,830.48		*2,830.48	
Georgia Stages, Inc.	3,621.58	20,717.98	1,500.17	30,120.97	*4,281.24
Glades "K" Motor Lines		1,134.92	28.95	1,163.87	
Gulf Coast Motor Line, Inc.	5,935.97	*15.01			5,920.96
Gulf Crescent Motor Lines, Inc.	*9,790.75	2,036.25		1,667.05	*9,421.55
Lee Coach Line		2,754.73		2,754.73	
Monroeville Bus Company, Inc.	2,952.02	*606.60		1,068.42	1,277.00
Pass-a-Grille Beach Bus Line	2,179.32	1,459.41			3,638.73
Rook's Coach Line		71.81		71.81	
Southeastern Greyhound Lines, Inc.	33,885.47	88,373.20			122,258.67
Southern Tours, Inc.	*33,224.66	*653.13		809.89	34,687.68
Tallahassee-Monticello Bus Line		*253.20		*253.20	
Union Bus Company	6,858.06	73,719.63	62,877.03	204,938.05	*61,483.33
Total Bus Operations—Common Carrier	\$ 2,085,088.64	\$ 1,288,196.89	\$ 68,494.72	\$ 1,016,684.11	\$ 2,425,096.14
COMBINED BUS AND TRUCK OPERATIONS					
Geen's Taxi & Baggage Transfer	\$	\$ 723.37	\$	\$ 723.37	\$
McJunkin, Wayne F.		3,548.56	1,428.08	4,976.64	
St. Andrews Bay Transportation Company	692.25	*3,258.30	14	1,930.22	*4,496.13
Tamiami Trail Tours, Inc.	*641,614.26	13,792.10			*627,822.16
Teche Lines, Inc.	437,752.42	469,055.65		343,225.65	563,582.42
University City Transfer Company, Inc.	2,919.80	*4,963.00			*2,043.20
Total Combined Bus and Truck Operations—Common Carrier	\$ *200,249.79	\$ 478,898.38	\$ 1,428.22	\$ 350,855.88	\$ *70,779.07

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1937

INCOME ACCOUNT—ENTIRE LINE

NAME OF COMPANY OR OPERATOR	Auto Operating Revenues	Auto Operating Expenses	Net Revenue from Auto Operations	Net Revenue Affiliated or Auxiliary Operations	Net Operating Revenue	Auto Tax Accruals	Non- Operating Income	Income Deductions	Net Balance Carried to P. & L. Acct.
TRUCK OPERATIONS— COMMON CARRIER									
Acme Freight Lines, Inc.	\$ 241,302.24	\$ 210,180.86	\$ 31,121.38	\$	\$ 31,121.38	\$ 33,899.94	\$ 130.28	\$ 221.01	\$ *2,869.29
Akins, W. L., Transportation Co., Inc.		1,200.00	*1,200.00		*1,200.00		1,200.00		
Bee Line Transfer	27,201.25	24,543.73	2,657.52	439.09	3,096.61	3,440.50		19.72	*363.61
Brown's Motor Freight & Boat Lines, Inc.	7,394.13	13,511.40	*6,117.27		*6,117.27	2,236.46	3,000.00	3,240.36	*8,594.09
C. & H. Transfer Company	10,879.74	6,474.19	4,405.55	5,198.76	9,604.31	997.91			8,606.40
Central Truck Lines, Inc.	400,129.20	340,205.65	59,923.55		59,923.55	60,456.69		1,102.39	*1,635.53
Chastain Transfer Line	1,389.37	1,141.29	248.08	*8.70	239.38	198.45		14.80	26.13
Elliott-Young Consolidated, Inc.	58,446.52	49,715.76	8,730.76	*19.49	8,711.27	7,873.81	6.62	413.83	430.25
Five Transportation Company	123,029.39	101,532.54	21,496.85		21,496.85	12,937.32		5,922.99	2,636.54
Fogarty Brothers Transfer, Inc.	59,261.74	54,148.42	5,113.32		5,113.32	9,329.07	776.36	501.59	*3,940.98
Great Southern Trucking Company	504,418.58	425,807.74	78,610.84		78,610.84	78,083.39	1,666.00	2,261.14	*67.69
Green Brothers Transfer Company	16,929.44	11,138.33	5,791.11	241.66	6,032.77	1,829.69		66.90	4,136.18
Highway Transportation Company	2,009.74	1,418.65	591.09		591.09	539.49			51.69
Hunt Truck Line	37,271.57	32,115.85	5,155.72		5,155.72	6,118.87	188.79	208.01	*982.37
Independent Transfer Company	22,605.81	21,409.61	1,196.20		1,196.20	2,835.11		2,311.45	*3,950.36
K. & L. Transportation Company, Inc.	367,997.41	329,051.47	38,945.94		38,945.94	43,527.61		7,203.76	*11,785.43
L. & L. Freight Lines, Inc.	417,154.08	365,565.77	51,588.31		51,588.31	61,016.19		1,652.26	*11,132.14
Marshall Transfer Company	4,095.83	2,882.40	1,213.43	1,320.09	2,533.52	526.86			2,006.66
Mathews Truck Line	6,411.92	3,959.53	2,452.39		2,452.39	672.88			1,779.51
Overseas Transportation Company, Inc.	77,879.25	74,105.37	3,773.88		3,773.88	3,879.24		121.00	*226.36
Peters Truck Line	10,988.87	7,567.06	3,421.81		3,421.81	1,086.10			2,335.71
Pittman Truck Line	12,580.78	8,427.34	4,153.44		4,153.44	3,174.64		107.88	870.92
St. Johns River Line Company	131,744.98	115,400.74	16,344.24		16,344.24	14,056.43	9,491.27	11,120.15	658.93
Star Truck Line, Inc.	69,175.37	64,188.81	4,986.56		4,986.56	11,917.30	2,602.50	267.30	*4,595.54
Tarpon Truck Line	5,222.29	2,532.82	2,689.47		2,689.47	583.95			2,105.52
Union Express Freight Company, Inc.	35,288.98	28,350.31	6,938.67		6,938.67	4,627.24		1,870.99	440.44
Walters Truck Line	2,165.15	1,936.67	228.48		228.48	435.15		16.00	*222.67
Total Truck Operations— Common Carrier	\$2,652,973.63	\$2,298,512.31	\$ 354,461.32	\$ 7,171.41	\$ 361,632.73	\$ 366,332.20	\$ 19,061.82	\$ 38,643.53	\$ *24,281.18

Asterisk indicates debit item or deficit.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1937
INCOME ACCOUNT—ENTIRE LINE

NAME OF COMPANY OR OPERATOR	Auto Operating Revenues	Auto Operating Expenses	Net Operating Revenue	Auto Tax Accruals	Non- Operating Income	Income Deductions	Net Balance Carried to P. & L. Acct.
BUS OPERATIONS—COMMON CARRIER							
Atlantic Greyhound Corporation.....	\$5,377,823.96	\$3,668,899.54	\$1,708,924.42	\$ 873,336.89	\$ 52,494.43	\$ 31,499.27	\$ 856,582.69
Florida Motor Lines Corporation.....	1,573,281.42	1,044,036.91	529,244.51	275,428.02	3,814.80	11,926.60	245,704.69
Fort Myers Transit Company.....	1,103.33	3,683.08	2,579.75*	250.73	-----	-----	2,830.48*
Georgia Stages, Inc.....	300,805.91	242,696.53	58,109.38	36,055.91	-----	1,335.49	20,717.98
Glades "K" Motor Lines.....	23,076.76	18,327.74	4,749.02	3,356.47	-----	257.63	1,134.92
Gulf Coast Motor Line, Inc.....	13,445.91	11,715.61	1,730.30	1,745.31	-----	-----	15.01*
Gulf Crescent Motor Lines, Inc.....	37,188.18	29,944.50	7,243.68	5,207.43	-----	-----	2,036.25
Lee Coach Line.....	33,422.88	24,749.48	8,673.40	5,420.28	-----	498.39	2,754.73
Monroeville Bus Company, Inc.....	26,910.63	23,958.88	2,951.75	3,118.19	-----	440.16	606.60*
Pass-a-grille Beach Bus Line.....	11,530.50	8,274.32	3,256.18	1,796.77	-----	-----	1,459.41
Rook's Coach Line.....	1,970.95	1,431.39	539.56	439.87	-----	27.88	71.81
Southeastern Greyhound Lines, Inc.....	498,299.49	325,579.93	172,719.56	80,221.90	1,045.56	5,170.02	88,373.20
Southern Tours, Inc.....	16,433.79	15,283.28	1,150.51	1,803.64	-----	-----	653.13*
Tallahassee-Monticello Bus Line.....	1,926.65	1,890.04	36.61	282.99	-----	6.82	253.20*
Union Bus Company.....	754,080.44	524,630.84	229,449.60	161,062.52	14,090.10	8,757.55	73,719.63
Total Bus Operations— Common Carrier.....	\$8,671,300.80	\$5,945,102.07	\$2,726,198.73	\$1,449,526.92	\$ 71,444.89	\$ 59,919.81	\$1,288,196.89
COMBINED BUS AND TRUCK OPERATIONS							
Green's Taxi and Baggage Transfer.....	\$ 2,336.07	\$ 1,507.18	\$ 828.89	\$ 392.42	\$ 295.78	\$ 8.88	\$ 723.37
McJunkin, Wayne F.....	23,480.66	15,751.07	7,729.59	3,694.82	-----	486.21	3,548.56
St. Andrews Bay Transportation Company.....	56,024.90	47,248.16	8,776.74	13,570.72	1,537.10	1.42	3,258.30*
Tamiami Trail Tours, Inc.....	359,615.75	278,705.03	80,910.72	64,324.19	-----	2,794.43	13,792.10
Teche Lines Incorporated.....	2,048,188.83	1,157,536.06	890,652.77	411,702.56	308.32	10,202.88	469,055.65
University City Transfer Company, Inc.....	33,177.37	31,310.65	1,866.72	6,517.74	-----	311.98	4,963.00*
Total Combined Bus and Truck Operations—Common Carrier.....	\$2,522,823.58	\$1,532,058.15	\$ 990,765.43	\$ 500,202.45	\$ 2,141.20	\$ 13,805.80	\$ 478,898.38

Asterisk indicates debit item or deficit.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1937
OPERATING REVENUES—ENTIRE LINE

NAME OF COMPANY OR OPERATOR	Freight Revenue	Total Revenue from Transportation	Miscellaneous Operating Revenue	Total Revenue
TRUCK OPERATIONS—COMMON CARRIER				
Acme Freight Lines, Inc.....	\$ 241,009.10	\$ 241,009.10	\$ 293.14	\$ 241,302.24
Akins, W. L. Transportation Company, Inc.....				
Bee Line Transfer.....	26,833.11	26,833.11	368.14	27,201.25
Brown's Motor Freight & Boat Lines, Inc.....	7,394.13	7,394.13		7,394.13
C. & H. Transfer Company.....	10,840.24	10,840.24	39.50	10,879.74
Central Truck Lines, Inc.....	396,687.61	396,687.61	3,441.59	400,129.20
Chastain Transfer Line.....	1,389.37	1,389.37		1,389.37
Elliott-Young Consolidated, Inc.....	57,354.72	57,354.72	1,091.80	58,446.52
Five Transportation Company.....	123,029.39	123,029.39		123,029.39
Fogarty Brothers Transfer, Inc.....	59,261.74	59,261.74		59,261.74
Great Southern Trucking Company.....	499,792.27	499,792.27	4,626.31	504,418.58
Green Brothers Transfer Company.....	16,929.44	16,929.44		16,929.44
Highway Transportation Company.....	2,009.74	2,009.74		2,009.74
Hunt Truck Line.....	36,735.81	36,735.81	535.76	37,271.57
Independent Transfer Company.....	22,296.61	22,296.61	309.20	22,605.81
K. & L. Transportation Company, Inc.....	365,665.18	365,665.18	2,332.23	367,997.41
L. & L. Freight Lines, Inc.....	414,325.72	414,325.72	2,828.36	417,154.08
Marshall Transfer Company.....	3,974.33	3,974.33	121.50	4,095.83
Mathews Truck Line.....	6,411.92	6,411.92		6,411.92
Overseas Transportation Company, Inc.....	76,994.35	76,994.35	884.90	77,879.25
Peters Truck Line.....	10,583.00	10,583.00	405.87	10,988.87
Pittman Truck Line.....	12,580.78	12,580.78		12,580.78
St. Johns River Line Company.....	128,452.84	128,452.84	3,292.14	131,744.98
Star Truck Line, Inc.....	68,095.01	68,095.01	1,080.36	69,175.37
Tarpon Truck Line.....	5,222.29	5,222.29		5,222.29
Union Express Freight Company, Inc.....	33,770.78	33,770.78	1,518.20	35,288.98
Walters Truck Line.....	2,165.15	2,165.15		2,165.15
Total Truck Operations—Common Carrier.....	\$ 2,629,804.63	\$ 2,629,804.63	\$ 23,169.00	\$ 2,652,973.63

Asterisk indicates debit item or deficit.

STATISTICS OF AUTO, TRANSPORTATION COMPANIES—CALENDAR YEAR 1937
OPERATING REVENUES—ENTIRE LINE

NAME OF COMPANY OR OPERATOR	Passenger Revenue	Baggage Revenue	Special (Chartered for Hire) Bus Revenue	U. S. Mail (on Buses)	Express Revenue	Freight Revenue	Total Revenue from Transportation	Miscellaneous Operating Revenue	Total Revenue
BUS OPERATIONS— COMMON CARRIER									
Atlantic Greyhound Corporation.....	\$5,172,610.36	\$ 45,732.55	\$ 70,713.03	\$ 2,402.98	\$ 24,190.12	-----	\$5,315,649.04	\$ 62,174.92	\$5,377,823.96
Florida Motor Lines Corporation.....	1,420,082.83	-----	57,172.07	-----	71,751.70	-----	1,549,006.60	24,274.82	1,573,281.42
Fort Myers Transit Company.....	784.25	83.50	-----	-----	23.50	-----	891.25	212.08	1,103.33
Georgia Stages, Inc.....	290,472.98	-----	1,615.35	1,074.73	6,989.96	-----	300,153.02	652.89	300,805.91
Glades "K" Motor Lines.....	19,761.07	-----	-----	-----	3,077.19	-----	22,838.26	238.50	23,076.76
Gulf Coast Motor Line, Inc.....	11,269.47	-----	-----	-----	2,176.44	-----	13,445.91	-----	13,445.91
Gulf Crescent Motor Lines, Inc.....	36,540.40	-----	163.30	-----	141.44	-----	36,845.14	343.04	37,188.18
Lee Coach Line.....	29,785.34	-----	-----	1,589.50	2,048.04	-----	33,422.88	-----	33,422.88
Monroeville Bus Company, Inc.....	26,008.29	-----	-----	-----	902.34	-----	26,910.63	-----	26,910.63
Pass-a-Grille Beach Bus Line.....	11,530.50	-----	-----	-----	-----	-----	11,530.50	-----	11,530.50
Rook's Coach Line.....	1,933.30	-----	-----	-----	37.65	-----	1,970.95	-----	1,970.95
Southeastern Greyhound Lines, Inc.....	476,403.26	67.98	8,838.84	7,831.17	4,725.03	-----	497,866.28	433.21	498,299.49
Southern Tours, Inc.....	16,359.94	-----	73.85	-----	-----	-----	16,433.79	-----	16,433.79
Tallahassee-Monticello Bus Line.....	1,293.15	-----	-----	597.00	36.50	-----	1,926.65	-----	1,926.65
Union Bus Company.....	722,060.92	133.41	15,521.06	-----	16,365.05	-----	754,080.44	-----	754,080.44
Total Bus Operations— Common Carrier.....	\$8,236,896.06	\$ 46,017.44	\$ 154,097.50	\$ 13,495.38	\$ 132,464.96	-----	\$8,582,971.34	\$ 88,329.46	\$8,671,300.80
COMBINED BUS AND TRUCK OPERATIONS									
Green's Taxi and Baggage Transfer....	\$ 393.70	\$ 250.00	\$ 391.50	\$ 720.00	-----	\$ 580.87	\$ 2,336.07	-----	\$ 2,336.07
McJunkin, Wayne F.....	13,095.74	-----	-----	-----	-----	10,384.92	23,480.66	-----	23,480.66
St. Andrews Bay Transportation Co....	36,014.62	1.72	-----	6,194.55	2,661.17	10,985.26	55,857.32	167.58	56,024.90
Tamiami Trail Tours, Inc.....	181,659.89	-----	4,279.67	-----	7,858.45	163,102.47	356,900.48	2,715.27	359,615.75
Teche Lines Incorporated.....	1,951,930.43	454.80	27,480.36	1,500.00	45,175.07	21,648.17	2,048,188.83	-----	2,048,188.83
University City Transfer Company, Inc.	444.18	-----	-----	1,720.00	-----	30,540.25	32,704.43	472.94	33,177.37
Total Combined Bus and Truck Operations—Common Carrier.....	\$2,183,538.56	\$ 706.52	\$ 32,151.53	\$ 10,134.55	\$ 55,694.69	\$ 237,241.94	\$2,519,467.79	\$ 3,355.79	\$2,522,823.58

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1937
OPERATING EXPENSES—ENTIRE LINE

NAME OF COMPANY OR OPERATOR	Maintenance of Plant and Equipment	Operating Garage Expenses	Transportation	Traffic Promotion	Administrative and General Expenses	Total Operating Expenses
TRUCK OPERATIONS—COMMON CARRIER						
Acme Freight Lines, Inc.	\$ 56,280.71	\$ 6,782.48	\$ 76,333.82	\$ 9,409.84	\$ 61,374.01	\$ 210,180.86
Akins, W. L. Transportation Company, Inc.					1,200.00	1,200.00
Bee Line Transfer	3,264.67		11,448.94	158.28	9,671.80	24,543.73
Brown's Motor Freight & Boat Lines, Inc.	2,684.99		3,969.97	98.95	6,757.49	13,511.40
C. & H. Transfer Company	880.07		4,587.42	120.00	886.70	6,474.19
Central Truck Lines, Inc.	79,776.11		174,293.98	22,429.30	63,706.26	340,205.65
Chastain Transfer Line	299.21		337.08	400.00	105.00	1,141.29
Elliott-Young Consolidated, Inc.	6,608.27	2,342.32	24,043.29	2,875.90	13,845.98	49,715.76
Five Transportation Company	28,326.46		42,820.33		30,385.75	101,532.54
Fogarty Brothers Transfer, Inc.	12,222.25		21,287.30	2,170.79	18,468.08	54,148.42
Great Southern Trucking Company	90,317.68		251,535.20	14,712.79	69,242.07	425,807.74
Green Brothers Transfer Company	2,660.53		5,817.33	363.88	2,296.59	11,138.33
Highway Transportation Company	253.36		1,037.49	36.00	91.80	1,418.65
Hunt Truck Line	8,730.65		13,116.98	3,839.97	6,428.25	32,115.85
Independent Transfer Company	1,682.85	50.00	9,679.98	300.17	9,696.61	21,409.61
K & L Transportation Company, Inc.	68,360.53	12,346.05	120,446.29	15,369.72	112,528.88	329,051.47
L. & L. Freight Lines, Inc.	71,070.91	1,050.70	206,438.99	15,523.93	71,481.24	365,565.77
Marshall Transfer Company	636.15		1,573.80	59.45	613.00	2,882.40
Mathews Truck Line	441.39		2,418.52	9.66	1,089.96	3,959.53
Overseas Transportation Company, Inc.	5,373.96		47,875.65	496.13	20,359.63	74,105.37
Peters Truck Line	806.36		3,491.90	10.00	3,258.80	7,567.06
Pittman Truck Line	1,643.05		5,131.49		1,652.80	8,427.34
St. Johns River Line Company	25,464.35		68,812.47	4,709.04	16,414.88	115,400.74
Star Truck Line, Inc.	12,722.57		33,789.78	3,675.62	14,000.84	64,188.81
Tarpon Truck Line	739.60		1,359.08		434.14	2,532.82
Union Express Freight Company, Inc.	5,442.14	2,255.75	13,034.12		7,618.30	28,350.31
Walters Truck Line	549.88		1,271.59		115.20	1,936.67
Total Truck Operations—Common Carrier	\$ 487,238.70	\$ 24,827.30	1,145,952.83	\$ 96,769.42	\$ 543,724.06	\$2,298,512.31

Asterisk indicates debit item or deficit.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1937

OPERATING EXPENSES—ENTIRE LINE

NAME OF COMPANY OR OPERATOR	Maintenance of Plant and Equipment	Operating Garage Expenses	Transportation	Traffic Promotion	Administrative and General Expenses	Total Operating Expenses
BUS OPERATIONS—COMMON CARRIER						
Atlantic Greyhound Corporation.....	\$ 923,159.20	\$ 174,997.34	\$1,725,161.11	\$ 234,431.00	\$ 611,150.89	\$3,668,899.54
Florida Motor Lines Corporation.....	334,734.23	17,428.87	461,153.43	65,906.54	164,813.84	1,044,036.91
Fort Myers Transit Company.....	1,045.39	.....	1,766.78	226.00	644.91	3,683.08
Georgia Stages, Inc.....	72,083.16	17,506.03	113,390.83	8,490.23	31,226.28	242,696.53
Glades "K" Motor Lines.....	5,497.61	.....	5,777.75	116.37	6,936.01	18,327.74
Gulf Coast Motor Line, Inc.....	3,359.12	.....	3,616.09	.....	4,740.40	11,715.61
Gulf Crescent Motor Lines, Inc.....	6,513.00	289.41	12,793.58	1,606.31	8,742.20	29,944.50
Lee Coach Line.....	4,603.45	3,003.44	9,968.85	828.85	6,344.89	24,749.48
Monroeville Bus Company, Inc.....	8,307.19	.....	8,523.80	53.50	7,074.39	23,958.88
Pass-a-Grille Beach Bus Line.....	2,669.10	.....	4,049.10	229.57	1,326.55	8,274.32
Rook's Coach Line.....	265.75	.....	818.13	6.00	341.51	1,431.39
Southeastern Greyhound Lines, Inc.....	90,454.92	6,251.30	151,948.58	17,427.05	59,498.08	325,579.93
Southern Tours, Inc.....	2,352.26	292.64	5,203.71	1,993.31	5,441.36	15,283.28
Tallahassee-Monticello Bus Line.....	351.06	83.98	1,280.40	.....	174.60	1,890.04
Union Bus Company.....	144,920.75	13,252.73	231,297.03	26,596.49	108,563.84	524,630.84
Total Bus Operations—Common Carrier.....	\$1,600,316.19	\$ 233,105.74	\$2,736,749.17	\$ 357,911.22	\$1,017,019.75	\$5,945,102.07
COMBINED BUS AND TRUCK OPERATIONS						
Green's Taxi & Baggage Transfer.....	\$ 403.60	\$.....	\$ 791.68	\$.....	\$ 311.90	\$ 1,507.18
McJunkin, Wayne F.....	5,440.36	.....	6,965.97	.....	3,344.74	15,751.07
St. Andrews Bay Transportation Company.....	14,282.69	116.41	25,784.03	1,192.64	5,872.39	47,248.16
Tamiami Trail Tours, Inc.....	84,047.84	.....	139,239.14	7,298.02	48,120.03	278,705.03
Teche Lines, Inc.....	353,813.65	18,462.36	538,075.36	57,012.68	190,172.01	1,157,536.06
University City Transfer Company, Inc.....	6,378.21	.....	15,423.70	713.89	8,794.85	31,310.65
Total Combined Bus and Truck Operations—Common Carrier.....	\$ 464,366.35	\$ 18,578.77	\$ 726,279.88	\$ 66,217.23	\$ 256,615.92	\$1,532,058.15

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1937
TAXES ACCRUED AND PAID

NAME OF COMPANY OR OPERATOR	On Auto Transportation Property	On Property Used in Affiliated or Auxiliary Operations	Miscellaneous Physical Property	Total Accrued During Year	Total Paid During Year
TRUCK OPERATIONS—COMMON CARRIER					
Acme Freight Lines, Inc.	\$ 33,899.94	\$	\$	\$ 33,899.94	\$ 31,694.67
Akins, W. L., Transportation Company, Inc.					
Bee Line Transfer	3,440.50	1,263.02		4,703.52	4,708.04
Brown's Motor Freight & Boat Lines, Inc.	2,236.46		21.17	2,257.63	2,092.22
C. & H. Transfer Company	997.91	4,570.73		5,568.64	5,019.73
Central Truck Lines, Inc.	60,456.69			60,456.69	57,702.31
Chastain Transfer Line	198.45	8.50		206.95	210.13
Elliott-Young Consolidated, Inc.	7,873.81	72.46		7,946.27	7,321.27
Five Transportation Company	12,937.32			12,937.32	12,937.32
Fogarty Brothers Transfer, Inc.	9,329.07		3,105.89	12,434.96	12,093.29
Great Southern Trucking Company	78,083.39			78,083.39	78,120.47
Green Brothers Transfer Company	1,829.69	253.88		2,083.57	2,189.95
Highway Transportation Company	539.40			539.40	677.15
Hunt Truck Line	6,118.87		4.64	6,123.51	5,414.22
Independent Transfer Company	2,835.11			2,835.11	2,900.23
K. & L. Transportation Company, Inc.	43,527.61			43,527.61	44,569.90
L. & L. Freight Lines, Inc.	61,068.19			61,068.19	58,771.63
Marshall Transfer Company	526.86	461.41		988.27	816.37
Mathews Truck Line	672.88			672.88	672.88
Overseas Transportation Company, Inc.	3,879.24			3,879.24	4,266.35
Peters Truck Line	1,086.10			1,086.10	1,086.10
Pittman Truck Line	3,174.64			3,174.64	3,113.33
St. Johns River Line Company	14,056.43		13,537.93	27,594.36	25,335.97
Star Truck Line, Inc.	11,917.30			11,917.30	11,343.77
Tarpon Truck Line	583.95			583.95	583.95
Union Express Freight Company, Inc.	4,627.24			4,627.24	4,627.24
Walters Truck Line	435.15			435.15	435.68
Total Truck Operations—Common Carrier	\$ 366,332.20	\$ 6,630.00	\$ 16,669.63	\$ 389,631.83	\$ 378,704.17

Asterisk indicates debit item or deficit.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1937

TAXES ACCRUED AND PAID

OF THE RAILROAD COMMISSION

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NAME OF COMPANY OR OPERATOR	On Auto Transportation Property	On Property Used in Affiliated or Auxiliary Operations	Miscellaneous Physical Property	Total Accrued During Year	Total Paid During Year
BUS OPERATIONS—COMMON CARRIER					
Atlantic Greyhound Corporation.....	\$ 873,336.89	\$.....	\$.....	\$ 873,336.89	\$ 794,006.33
Florida Motor Lines Corporation.....	275,428.02	.....	.....	275,428.02	266,120.46
Fort Myers Transit Company.....	250.73	.....	.....	250.73	500.73
Georgia States, Inc.....	36,055.91	.....	.....	36,055.91	32,698.58
Glades "K" Motor Lines.....	3,356.47	.....	.....	3,356.47	3,237.18
Gulf Coast Motor Line, Inc.....	1,745.31	.....	.....	1,745.31	1,745.31
Gulf Crescent Motor Lines, Inc.....	5,207.43	.....	.....	5,207.43	4,622.12
Lee Coach Line.....	5,420.28	.....	.....	5,420.28	5,342.69
Monroeville Bus Company, Inc.....	3,118.19	.....	.....	3,118.19	3,226.53
Pass-a-Grille Beach Bus Line.....	1,796.77	.....	.....	1,796.77	1,796.77
Rook's Coach Line.....	439.87	.....	.....	439.87	439.87
Southeastern Greyhound Lines, Inc.....	80,221.90	.....	.....	80,221.90	87,226.02
Southern Tours, Inc.....	1,803.64	.....	.....	1,803.64	1,862.39
Tallahassee-Monticello Bus Line.....	282.99	.....	.....	282.99	290.21
Union Bus Company.....	161,062.52	.....	.....	161,062.52	139,947.69
Total Bus Operations—Common Carrier.....	\$ 1,449,526.92	\$.....	\$.....	\$ 1,449,526.92	\$ 1,343,062.88
COMBINED BUS AND TRUCK OPERATIONS					
Green's Taxi & Baggage Transfer.....	\$ 392.42	\$.....	\$ 428.00	\$ 820.42	\$ 820.42
McJunkin, Wayne F.....	3,694.82	.....	.....	3,694.82	3,602.12
St. Andrews Bay Transportation Company.....	13,570.72	.....	.....	13,570.72	14,338.19
Tamiami Trail Tours, Inc.....	64,324.19	.....	.....	64,324.19	61,149.98
Teche Lines, Inc.....	411,702.56	.....	.....	411,702.56	381,011.45
University City Transfer Company, Inc.....	6,517.74	.....	.....	6,517.74	6,481.01
Total Combined Bus and Truck Operations—Common Carrier.....	\$ 500,202.45	\$.....	\$ 428.00	\$ 500,630.45	\$ 467,403.17

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1937
MILEAGE, TRAFFIC AND MISCELLANEOUS STATISTICS—ENTIRE LINE

NAME OF COMPANY OR OPERATOR	Average Miles of Road Operated	REVENUE MILES		TONS OF FREIGHT CARRIED
		Freight, Express and Mail Trucks	Truck Trailers	Revenue
TRUCK OPERATIONS — COMMON CARRIER				
Acme Freight Lines.....	678	1,461,702		13,635
Akins, W. L., Transportation Company, Inc.....				
Bee Line Transfer.....	28	53,653		9,304
Brown's Motor Freight & Boat Lines, Inc.....	122	87,776		725
C. & H. Transfer Company.....	23	31,864		1,313
Central Truck Lines, Inc.....	3,038	870,376	1,297,342	35,986
Chastain Transfer Line.....	35	5,000		175
Elliott-Young Consolidated, Inc.....	180	215,811		7,559
Five Transportation Company.....	437	227,864		26,978
Fogarty Brothers Transfer, Inc.....	56	147,288	37,307	9,278
Great Southern Trucking Company.....	1,900	2,578,176		38,882
Green Brothers Transfer Company.....	28	34,608		2,603
Highway Transportation Company.....	53	16,485		351
Hunt Truck Line.....	300	141,548	2,108	6,305
Independent Transfer Company.....	154	102,050		2,976
K. & L. Transportation Company, Inc.....	1,180	1,984,239	106,562	42,652
L. & L. Freight Lines, Inc.....	1,704	2,494,078		29,486
Marshall Transfer Company.....	23	14,582		506
Mathews Truck Line.....	28	17,904		751
Overseas Transportation Company, Inc.....	226	10,576	60,120	7,857
Peters Truck Line.....	38	41,810		1,413
Pittman Truck Line.....	214	159,014		1,405
St. Johns River Line Company.....	412	349,693	78,613	45,646
Star Truck Line, Inc.....	469	324,444		10,094
Tarpon Truck Line.....	29	17,806		769
Union Express Freight Company, Inc.....	195	116,962		4,235
Walters Truck Line.....	27	13,674		244
Total Truck Operations—Common Carrier.....	11,577	11,518,983	1,582,052	301,128

Asterisk indicates debit item or deficit.

STATISTICS OF AUTO TRANSPORTATION COMPANIES—CALENDAR YEAR 1937
MILEAGE, TRAFFIC AND MISCELLANEOUS STATISTICS—ENTIRE LINE

NAME OF COMPANY OR OPERATOR	Average Miles of Road Operated	REVENUE MILES				REVENUE PASSENGERS CARRIED		TONS OF FREIGHT CARRIED	
		PASSENGER BUSES		Freight Express and Mail Trucks	Truck Trailers	Regular Tariff Rate	Excursion or Special Rates	Revenue	Non-Revenue
		Regular Service	Excursion or Special						
BUS OPERATIONS—COMMON CARRIER									
Atlantic Greyhound Corporation.....	6,633	20,478,667	125,739	.....	.....	5,176,964	36,000	.....	.....
Florida Motor Lines Corporation.....	1,846	6,043,757	190,108	.....	.....	1,060,365	25,230	.....	.....
Fort Myers Transit Company.....	36	16,827	.....	.....	.....	3,906	986	.....	.....
Georgia Stages, Inc.....	1,110	2,445,813	30	.....	.....	214,227	410	.....	.....
Glades "K" Motor Lines.....	304	232,500	.....	.....	.....	19,457	.....	.....	.....
Gulf Coast Motor Line, Inc.....	37	96,689	.....	.....	.....	24,654	.....	.....	.....
Gulf Crescent Motor Lines, Inc.....	178	212,844	.....	.....	.....	26,590	.....	.....	.....
Lee Coach Line.....	582	214,241	.....	.....	.....	45,790	.....	.....	.....
Monroeville Bus Company, Inc.....	276	235,060	.....	.....	.....	37,154	.....	.....	.....
Pass-a-Grille Beach Bus Line.....	22	83,160	.....	.....	.....	61,125	.....	.....	.....
Rook's Coach Line.....	50	36,142	.....	.....	.....	2,511	.....	.....	.....
Southeastern Greyhound Lines, Inc.....	1,204	2,029,905	28,714	.....	.....	451,153	.....	.....	.....
Southern Tours, Inc.....	24	57,654	278	.....	.....	3,536	21	.....	.....
Tallahassee-Monticello Bus Line.....	24	24,102	.....	.....	.....	897	.....	.....	.....
Union Bus Company.....	1,488	3,115,361	25,963	.....	.....	657,083	5,266	.....	.....
Total Bus Operations—Common Carrier.....	13,790	35,322,722	370,832	.....	.....	7,785,412	67,913	.....	.....
COMBINED BUS AND TRUCK OPERATIONS									
Green's Taxi & Baggage Transfer.....	7	8,999	3,634	8,999	1,236	1,127	.....	530	.....
McJunkin, Wayne F.....	34	96,636	.....	19,726	.....	19,705	.....	1,113	.....
St. Andrews Bay Transportation Company.....	226	325,482	.....	159,903	.....	47,238	.....	1,783	.....
Tamiami Trail Tours, Inc.....	890	940,634	15,211	628,855	139,071	124,372	3,060	17,612	3
Teche Lines, Inc.....	2,429	7,777,364	78,967	.....	.....	2,274,093	11,350	.....	.....
University City Transfer Company, Inc.....	388	17,770	.....	147,637	16,798	608	.....	3,627	.....
Total Combined Bus and Truck Operations —Common Carrier.....	3,974	9,166,885	97,812	965,120	157,105	2,467,143	14,410	24,665	3

WRECKS AND ACCIDENTS—TRUCK AND BUS—1937

CLASSIFICATION OF WRECKS AND ACCIDENTS	Sea- board Air- line	Blue's Truck Line	Star Truck Line	Kennally Transfer & Storage Co.	Holston & Sons Truck Line	Yarnell Warehouse & Transfer Co., Inc.	Florida Motor Lines Corp.	Brown's Motor Freight Line Inc.	Tamiami Trail Tours, Inc.	Union Bus Co.	Total
I. Collisions:											
1. Negligence or carelessness of employees.....										1	1
2. Weather conditions.....							1				1
3. Mechanical equipment.....											
4. Other vehicles struck.....	1	1	2		1	1	3		2	1	12
II. Leaving Highway:											
1. Negligence or carelessness of employees.....											
2. Washouts on highway.....							1				1
3. Highway defects.....											
4. Vehicle defects.....							1	1			2
5. Not otherwise classified.....			1	1			2				4
III. Miscellaneous:											
1. Improper loading.....											
2. Animal on highway.....	1										1
3. Other obstructions on highway.....											
IV. Personal Accidents:											
1. Employees on duty.....											
2. Employees off duty.....											
3. Passengers.....											
4. Pedestrians.....											
(a) Walking on highways.....							1				1
(b) At public crossings.....											
(c) Beating way on vehicle.....											
(d) Suicide.....							1				1
(e) Other causes.....											
V. Grade Crossings (Train) Train Struck.....											
CASUALTIES:											
Employees killed.....											
Employees wounded.....		1	1	2							4
Others killed.....							2	1		1	4
Others wounded.....		7		3			8			1	20
Passengers killed.....											
Passengers wounded.....							5				5
DAMAGE											
Equipment.....	\$ 153.79	\$ 5,000.00	\$ 500.00				\$ 755.50		\$ 150.00		\$ 6,559.29

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